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January 29, 1906, to January 10, 1912

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1277	Davidson v. Mautry	224
1278	Davidson v. Schweckard	224
1279	Thompson v. Albuquerque Traction Co,	227, 291, 294, 305
1280	Patton v. Balch.	239, 256
1281	Terr. v. Eastern Ry of N. M.	224, 318, 333
1282	Cowles v. Hagerman	224, 318, 324, 324, 333
1283	Price v. Pecos Valley & N.E. Ry Co.	217, 224, 284, 292, 402, 403
1284	Batchen v. Curran	215

1285	Robertson v. Mine & Smelter Supply Co.	224, 330, 334
1286	Terr. ex rel. Meece v. Abbott	225, 233
1287	U.S.A. v. Adamson	227, 256, 260, 420, 440
1288	Stoneroad v. Beck	237, 548, 552, 552, 553
1289	McHae v. Cassan	235, 238, 310, 316
1290	Terr. v. Eagle	224, 294, 334
1291	Weaver v. Weaver	237, 265, 370, 393
1292	Rapp v. Venable	225, 266, 304, 322
1293	Walker v. Street	225, 257
1294	Hagin v. Collins	225, 330, 335, 426
1295	Terr. v. Barela	304, 322, 423
1296	Terr. v. Beaven	293
1297	Grunsfeld v. Bernalillo Co. Comm'rs	257, 293
1298	Terr. v. Harwood	294, 305, 325
1299	Lee v. Parker	265
1300	Spring v. Thomas	270, 281, 295
1301	Wirt Gomez & Co. v. Kutz	281, 298, 317, 331, 339, 343, 347, 348
1302	Terr. v. Garcia	281, 297, 304, 326
1303	Colo. Telephone Co. v. Fields	294, 305, 383
1304	Terr. v. Kennedy	307, 329
1305	Terr. v. Swift	270, 323
1306	Terr. v. Pettine	247, 282, 331, 361, 388, 408, 411
1307	Vanderwork v. Hewes	306
1308	Wertheim v. U. N. I. & El Paso Ry Co.	307, 317
1309	Riverside Sand & Cement Mfg v. Hendrick	318, 510
1310	" " " "	318, 510
1311	Terr. v. Hernandez	246
1312	Terr. v. Robertson	247
1313	Torrez v. Torrance Co. Comm'rs	281, 294, 302, 344
1314	Ingersoll v. Hoswell	318, 323
1315	Terr. v. Pierce	282, 326, 279, 384

1316	Thomas v. Gavin	323, 338
1317	Amarillo Hdwe Co. v. McMurry	324, 329
1318	Terr. ex rel. Albuquerque v. Penney	296, 335
1319	Lutz v. Wingfield	277
1320	Terr. v. Donahue	314, 319, 379, 401
1321	Sisler v. Western Union Tel. Co.	342
1322	Turley v. Furnam	277, 286, 405, 408
1323	Las Vegas Ry & Power Co. v. Trust Co. of St. Louis	312, 336, 354, 361, 370, 371
1324	O'Neill v. Otero	286, 314, 336, 344, 364
1325	Montoya v. Gonzales	297, 493, 396, 518, 523, 527, 535, 535, 536, 536, 546
1326	Gallegos v. Garcia	288, 462
1327	U.P.A. v. Snell	293, 372, 492
1328	Hinderliden v. Young & Norton	277, 288, 289, 339
1329	Costilla Land & Imp. Co. v. Allen	284, 299, 304, 323, 342
1330	Macey v. Sunderman	286, 295
1331	Childers v. Hubbell	298, 306, 325, 348, 359, 382
1332	Davidson v. Citizens Nat'l Bank Roswell	326, 339, 371
1333	Moore v. Western Meat Mkt	281, 368, 394, 410
1334	Meleni v. Grieze	299, 307
1335	Woodling v. Romero	372, 378, 388
1336	Rogers v. A. T. & S. F. RY CO.	300, 394
1337	Goesling v. Gross Kelly & Co.	301, 314, 346, 364
1338	Schmidt v. Bank of Commerce	301, 309
1339	Terr. ex rel. Lester v. Sudith	302, 311, 311, 313, 346
1340	Terr. ex rel. Lester v. Stevens	302, 311, 311, 313, 346
1341	Kingston v. Walters	287, 373, 388
1342	Priest v. Las Vegas	312, 372, 384, 529, 544, 545, 548, 548
1343	Terr. ex rel. Albuquerque v. Matson	368, 395
1344	Terr. v. Hurt	376, 395

1345	A.T. & S. F. Ry Co. v. Citizens Traction & Power Co.	327, 341, 368, 369, 396
1346	A.T. & S. F. Ry Co. v. Citizens Traction & Power Co.	327, 341, 369, 369, 396
1347	Terr. v. Daniel Archuleta	362, 409
1348	Terr. v. Martin	374
1349	Re: Gregory Page	286, 319
1350	Gray v. Taylor	313, 331, 347, 371, 386, 396, 403, 411, 411,
1351	Hagerman Irrig. Co. v. McMurry	326, 397, 410
1352	Roswell v. Perkins	375, 397
1353	Leusch v. Nickel	370, 380
1354	Dye, Exec. v. Meece	363, 398, 403, 450, 492
1355	Tagliaferri v. Grande	378, 510, 520
1356	F.N. Bank Albuquerque v. Haverkamp	380, 511, 526
1357	Tagliaferri v. Grande	378, 510, 520
1358	Terr. v. Trapp	362, 366, 402, 530, 543
1359	Di Palma v. Weinman	362, 368, 375, 404, 451, 451, 457, 496, 504, 522
1360	Community Ditches v. Tularosa Comm. Ditch	380, 381, 406
1361	Puritan Mfg Co. v. Toti & Gradi	363, 374
1362	Putney v. Schmidt	382, 458, 490
1363	Huston Lbr Co. v. Neal	383, 398
1364	Terr. v. McGrath	384, 406
1365	Alock v. Mann	383, 409, 546
1367	Terr. v. Hanna	389
1368	Terr. v. Hanna	389
1369	Pickering v. Current	384
1370	F.N. Bank Artesia v. Home Ins Co.	372, 389, 410
1371	Terr. v. Chacon	359
1372	Terr. v. Hiley	360
1373	Butner & Ramsey v. Oliver Typewriter Co.	404, 438
1374	Terr. v. Parsons	373
1375	Terr. v. Nix	377

1376	Caledonian Coal Co. v. Hky Cliff Coal Mg Co.	437, 511, 519, 524, 544, 551
1377	House v. Hittson	386, 407
1378	Caledonian Coal Co. v. Hky Cliff Coal Mg Co.	427, 511, 519, 524, 544, 551, 551
1379	Bateman v. Gitts	442, 442, 443, 458, 518
1380	Straus v. Foxworth	404, 416, 430, 459, 523
1381	Howey v. Goesler	442, 451
1382	Terr. v. Eyles	422, 521
1383	Andrews v. Rio Grande Livestock Co.	432, 512, 520
1384	Bond v. Barela heirs	411, 444, 447, 521, 535
1385	House v. Hittson	442, 442
1386	Collins v. Schump	434, 436, 447, 497, 512
1387	McVeigh v. Vigh	423, 440, 460
1388	Retsch v. Renehan	419, 430,
1389	Terr. v. Mills	430, 514, 532, 543, 543
1391	Terr. ex rel Childrens Home Soc v. Sargent	435, 438
1392	Oliver v. Enriquez	430, 434, 437, 452
1393	Howard v. Kitchell	444, 454, 490
1394	Shoucair v. North-British & Merc.Inc.Co.	444, 514
1396	de Padilla v. A. T. & S. F. RY CO.	444, 448, 514, 519
1397	McBee v. O'Connell	445, 506, 525
1399	Dougherty v. Van Riper	422, 439, 515, 520
1400	Terr. v. Walker	446, 515, 525, 543
1401	Terr. v. Cheaney	446, 507
1402	Terr. v. Torres	438, 516, 520, 526
1403	McKnight v. El Paso Brick Co.	421, 491, 495, 537, 540, 542, 542, 542
1404	Terr. v. Gallegos	419, 446
1405	Terr. v. McNabb	447, 516
1406	Roswell v. Eastern Ry of N. M.	439, 440, 521
1407	Goddie v. Colorado Inv. Co.	439, 460

1409	Terr. ex rel. Klock v. Mann	503, 506, 508, 539, 546
1410	Terr. ex rel. Aragon v. Lincoln Co. Comm'rs	447, 462, 485
1411	Current v. Citizens Bank of Aztec	432, 453, 517, 521
1412	Terr. ex rel. White v. Ragle	429, 503, 506, 508, 530
1413	" " " v. Stevens	429, 503, 506, 508, 530
1414	" " " v. Watson	430, 503, 506, 508, 53;
1415	Terr. v. Riggle	503, 506, 508, 531
1416	Terr. v. Stevens	503, 506, 508, 532
1417	Terr. v. Watson	503, 506, 508, 532
1418	Ross v. Berry, Adm'r	550
1419	Terr. ex rel. Welter v. Witt	439, 440, 455
1420	Terr. ex rel. Stockard v. Roswell	439, 440, 455
1422	O'Reilly v. Colbert	444, 517
1425	Davisson v. Citizens Nat'l Bank Roswell	492, 504, 505, 525, 527, 533, 533
1427	Terr. v. Musgrave	420
1429	Schneider-Davis Co. v. Laberty	431
1430	Terr. v. Chavez	434
1431	Terr. v. House	443
1433	Terr. v. Graves	491
1434	Berger v. Ford	457
1435	Terr. v. Lucero	494, 522
1437	Terr. v. Lucero	494, 522
1446	Terr v, Boone	494
1447	Terr. v. Wiggins	495
1448	Terr. v. Parsons	495
1451	Metcalf v. Hurd	522
1456	Terr. v. Kennedy	545
1457	Terr. v. Tudor	545

Nineteenth Day, Monday, January 29th, A. D., 1906.

Court met pur uant to adjournment

Present as upon Friday,

Record of Friday's proceedings, read and approved.

In re. John W. Armstrong

Admission to the bar

Now comes John W. Armstrong, and having been heretofore admitted to the bar of this Court upon his taking the oath of office and subscribing to the roll, and is duly sworn in open court and subscribes to the roll.

In the matter of the application of Ralph C. Ely

Ely, Application for admission to the Bar

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and says here to the court that they find Ralph C. Ely, a proper and suitable person to be admitted to the bar of this court, and upon motion of George W. Prichard Esq. it is hereby ordered and adjudged by the court that Ralph C. Ely, be and he hereby is admitted as an attorney solicitor and counsellor of this court, upon his signing the roll and taking the oath of office and paying the fee prescribed by the rules of this Court, whereupon he appeared in open court and took the oath of office and subscribed to the roll the clerk of the court hereby is ordered to issue to the said Ralph C. Ely a proper certificate of admission.

Forrator vs. Ely

Appellee,

vs

William W. Prichard

Appellant

Appeal from District Court Socorro County.

The cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. A. Dounert, Esq. for appellant and George W. Prichard, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, to do the same under advisement.

The Mutual Insurance Company
Plaintiff in error

vs

The Mutual Mercantile Company
Defendant in error

Error to District Court San Miguel County.

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W. A. Childers, Esq. and W. B. Laurdin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the District Court for further proceedings and enforcement of the judgment or affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January, 1906, substituting

tating T. B. Catron and A. B. Renehan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to such funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceeding of interpleader, providing said proceeding be forthwith instituted, and without vacating any proceedings heretofore had under such execution

No.958 Atlas Assurance Company)
 Plaintiff in Error)
 vs) Error to District Court San Miguel County.
 Santa Fe Mercantile Company)
 Defendant in Error)

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W. B. Childers, Esq. and N. B. Laughlin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the district Court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January 1906, substituting T. B. Catron and A. B. Renehan as judgment plaintiffs in place and in lieu of said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceeding of interpleader,, provided said proceeding be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

No.959 North British & Mercantile Insurance Co.)
 Plaintiff in Error)
 vs) Error to District Court San Miguel County.
 Santa Fe Mercantile Company)
 Defendant in error)

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney, W. B. Childers, Esq. and N. B. Laughlin Esq., to recall the execution issued in said cause out of this court, and remand the cause to the district court for further proceedings,

and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January, 1906, substituting T. B. Catron and A. B. Renahan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceedings of interpleader, providing said proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution

The National Fire Insurance Company of Hartford
 Connecticut,
 Plaintiff in error

No.
 960

vs
 Santa Fe Mercantile Company
 Defendant in Error

) Error to District Court San Miguel County.

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W.B. Childers, Esq. and N.B. Laughlin Esq., to recall the execution issued in said cause out of this court, and remand the cause to the district court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January, 1906 substituting T.B. Catron and A.B. Renahan as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceeding of interpleader, providing such proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

No. 961

The London & Lancashire Fire Insurance
Company of Liverpool Eng.

Plaintiff in Error

vs

Santa Fe Mercantile Company

Defendant in Error

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)
) Error to District Court San Miguel County.
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This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney, W.B. Childers, Esq. and M. B. Laughlin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the District Court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January, A. D., 1906, substituting T. B. Catron and A. B. Renehan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceedings of interpleader, providing said proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

No. 962.

Continental Fire Insurance Company

Plaintiff in Error

vs

Santa Fe Mercantile Company

Defendant in Error

)
)
) Error to District Court San Miguel County.
)
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This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W. B. Childers, Esq. and M. B. Laughlin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the district court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January 1906, substituting T. B. Catron and A. B. Renehan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error,

against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceedings of interpleader, providing said proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

No. 963

American Central Insurance Company)
 Plaintiff in Error)
 vs)
 Santa Fe Mercantile Company)
 Defendant in Error)

Error to District Court San Miguel County.

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W.B. Childers, Esq. and N.B. Laughlin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the District Court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore made and entered in this court on the 10th day of January, 1906 substituting T. B. Catron and A. B. Renehan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceedings of interpleader, providing said proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

No. 964

Springfield Fire and Marine Ins. Co.)
 Plaintiff in Error)
 vs)
 Santa Fe Mercantile Company)
 Defendant in Error)

Error to District Court San Miguel County.

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney W. B. Childers, and N. B. Laughlin, Esq. to recall the execution issued in said cause out of this court, and remand the cause to the district court for further proceedings, and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the order heretofore entered in this court on the 10th day of January, 1906, substituting T. B. Catron and A. B. Renehan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment

against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiff in error by reason of any garnishment before the date of said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceedings of interpleader, providing said proceedings be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

Oriental Insurance Company
Plaintiff in error
vs
Santa Fe Mercantile Company,
Defendant in error

Error to District Court Santa Fe County.

This cause coming on to be heard upon the motion of the plaintiff in error, by its attorney, W. L. Childers, Esq. and F. B. Laughlin Esq. to recall the execution issued in said cause out of this court, and remand the cause to the district court for further proceedings and enforcement of the judgment of affirmance of this court, and the court having heard counsel for the respective parties and being fully advised in the premises, doth overrule so much of said motion as asks that said cause be remanded to the district court; but the court doth order that so much of the orders heretofore made and entered, in this court on the 14th day of January, 1906, substituting T. B. Catron and A. B. Renahan, as judgment plaintiffs in place and in lieu of the said Mercantile Company, as finds the said assignees as such to be entitled to collect the judgment against the plaintiff in error, be modified and construed so as to be held not to in any manner prejudice the rights of said plaintiffs in error, by reason of any garnishment before the date of the said judgment in this court made and served on said plaintiff in error, and not to prohibit the institution and maintenance of a bill of interpleader or action in the nature of interpleader by said plaintiff in error against such persons as assert adverse claims to the funds in the hands of said plaintiff in error by virtue of such judgment indebtedness. It is further ordered that further proceedings under the execution herein be suspended during the pendency of such proceeding of interpleader, providing said proceeding be forthwith instituted, and without vacating any proceedings heretofore had under such execution.

Territory ex rel Bird S. Coler & E Chapman)
Appellees
vs
The Board of Co. Commrs Santa Fe County.
Appellant

Appeal from District Court Santa Fe County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel is partly argued by A. B. Renahan Esq. for appellant and C. A. Spiess, Esq. for appellee and the argument not being concluded this cause is continued until tomorrow morning at ten o'clock.

It is ordered that this court do now adjourn until tomorrow morning at ten o'clock

William Smith.
Chief Justice, etc.

Twentieth Day, Tuesday, January 30th, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No.	The Territory of New Mexico,	)	
1032	vs	)	Appeal from District Court Eddy County.
	Garland Livingston,	)	
	Appellant,	)	

This cause coming on upon the motion of the appellant herein for leave to file printed brief on motion for rehearin, and the court being sufficiently advised in the premises, grants the same, It is therefore ordered that the appellant do have until the adjurned session of this court to file printed briefs on the motion for rehearing herein.

No.	The Palatine Insurance Company	)	
957	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	Atlas Assurance Company,	)	
958	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No. 969	North British & Mercantile Insurance Company	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	The National Fire Insurance Company of Hartford	)	
960	ford Connecticut	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	London & Lancashire Fire Insurance Company	)	
961	of Liverpool Eng.	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	Continental Fire Insurance Company	)	
962	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	American Central Insurance Company	)	
963	Plaintiff in error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	Springfield Fire & Marine Insurance Company	)	
964	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

No.	Oriental Insurance Company	)	
965	Plaintiff in Error	)	
	vs	)	Error to District Court San Miguel County.
	Santa Fe Mercantile Company	)	
	Defendant in Error	)	

Upon motion of the plaintiff in error in the above entitled causes, the clerk of the Dis-

istrict Court of the Fourth Judicial District of the Territory of New Mexico for the County of San Miguel is hereby ordered to prepare and send up an itemized statement of all the costs taxed against the plaintiff in error in the said District Court, showing item by item the names of the witnesses, the amount of mileage charged, the number of days of attendance of each witness, and all other items of costs specifically and in detail, in accordance with the prayer of said motion, with all convenient speed, and that plaintiff in error have leave upon the filing of said statement to make its motion to retax costs more definite and certain.

Nos. 1122-23	Territory of New Mexico ex rel Bird S. Coler, & E. T. Chapman,	)	Appeal from District Court Santa Fe County.
		)	
	Appellee	)	
	vs	)	
	The Board of County Commissioners Santa Fe County	)	
		)	
	Appellant	)	

These causes again coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is further argued by E. C. Abbott, Esq., and submitted to the Court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1125	The First National Bank of Roswell,	)	Appeal from District Court Chaves County.
		)	
	Appellee	)	
	vs	)	
	M. C. Stewart, Sheriff	)	
		)	
	Appellant	)	

This cause coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. A. Freeman, Esq and L. O. Fullen, Esq. for appellant and W. C. Reid, Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1126	The Territory of New Mexico	)	Appeal from District Court Roosevelt County.
		)	
	Appellee,	)	
	vs	)	
	Jake Neatherlin	)	
		)	
	Appellant	)	

This cause coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is argued by A.A. Freeman, Esq for Appellant and Geo. W. Prichard Attorney General for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Price
Chief Justice, etc.

Twenty-first Day, Wednesday, January 31st, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday, And E.H. Medler, Assistant U. S. Attorney.

Record of yesterday's proceedings is read and approved.

No.
1093

Florence P. Johnson Adm. etc.	)	
	Appellee	)
vs	)	Appeal from District Court Valencia County.
Roman L. Baca, et al.,	)	
	Appellants	)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Pope, Mann and Parker, concurring, affirming the judgment of the court below, and remanding this cause for further proceedings, for reasons stated in the opinion of the court on file; It is there considered and adjudged by the court that the judgment of the District Court in and for the county of Valencia, whence this cause came into this court, be and the same hereby is affirmed and this cause hereby is remanded to the said district court for further proceedings.

No.
1098

The Colorado and Arizona Railroad Company	)	
of New Mexico	Appellant	)
vs	)	Appeal from District Court San Juan County.
The Denver & Rio Grande Ry Company	)	
	Appellee	)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justice, Parker, Pope and Mann concurring, reversing and remanding the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Juan, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court for further proceedings in accordance with the opinion of the court on file.

No.
1108

Andres Candelaria, an infant by Emigran Cande	)	
Maria his natural and statutory guardian	)	
	Appellee	)
vs	)	Appeal from District Court Sandoval County.
Epimenio A. Miera,	)	
	Appellant	)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term and the court being now sufficiently advised in the premises announces its decision by Associate Justice Parker, Chief Justice Mills and Associate Justices McFie, Pope and Mann, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Sandoval, whence this cause came into this court, be and the same hereby is affirmed, and that in accor-

dance therewith, it is considered and adjudged by the court that the said appellee, Andres Andelaria, an Infant, by Emigran Candelaria, his natural and statutory Gurdain, have and recover from the said defendant and appellant, Epimenio A. Miera, the sum of fifteen hundred and twenty-eight and 43/100 dollars (\$1,528.43) and his costs herein expended for which he may have execution.

No. 1109. Paulita Candelario an infant by Emigran Candelaria her natural and statutory Guardian vs Epimenio A. Miera, Appellee, Appellant) Appeal from District Court Sandoval County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Mills Associate Justices McFie, Pope, and Mann concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Sandoval, whence this cause came into this court, and that in accordance therewith, it is considered and adjudged by the court that the said Paulita Candelaria an infant, by Emigran Candelaria, her natural and statutory gurdian do have and recover from the said defendant and appellant Epimenio A. Miera, the sum of fifteen hundred and twenty-eight and 43/100 dollars (\$1,528.43) and her costs in this behalf expended, for which let execution issue.

No. 1110. Nick Mete vs Martin S. Tierney Appellant Appellee,) Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker Chief Justice Mills and Associate Justices McFie, Pope and Mann, concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that that the said complaint be and the same hereby is dismissed, that the temporary injunction issued out of the said District Court be and the same hereby is dissolved and that said plaintiff and appellant pay the costs in this proceedings to be taxed for which let execution issue.

No. 1127. The Territory of New Mexico vs John Mills, et al., Appellant Appellees) Appeal from District Court Eddy County.

This cause coming on to be heard upon the transcript of record, assignment of errors

Twenty-first

Day,

Wednesday, January 31st,

A. D.

1906.

and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement. It is further ordered by the court that the parties herein do have until the adjourned session of this court within which time to file printed briefs herein.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Jones,
Associate Justice.

Twenty-second Day, Thursday, February 1st, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1143	Charles E. Donnelly /	)	Appeal from District Court Colfax County.
	vs	)	
	R.B. Kelley, E.W. Foster, Raton Division Num-	)	
	ber Two Hundred Fifty-one, a voluntary As-	)	
	sociation and sub. division of the Grand	)	
	International Brotherhood of Locomotive	)	
	Engineers, and the members thereof, and R.B.	)	
	Kelly as Chief Engineer, and E.W. Foster as	)	
	the First Assistant Engineer and H.A. Nor-	)	
	man as secretary thereof, the Grand Inter-	)	
	national Brotherhood of Locomotive Engi-	)	
	neers, a voluntary association, W. S. Stone	)	
	as Grand Chief Engineer of said Brother-	)	
	hood and the Locomotive Engineer's Mutual	)	
	Life and Accident Insurance Association	)	
	a corporation organized and existing under	)	
	the laws of the State of Ohio	)	
	Appellees	)	

Now comes the appellees herein, and presents here to the court, a transcript of the record in the above entitled cause, and moves the court to dismiss the appeal herein and affirm the judgment of the court below, for the failure of the appellant to perfect his appeal, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is docketed and that the appeal herein be and the same hereby is dismissed, and that the judgment of the District Court in and for the county of Colfax whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith it is hereby ordered and adjudged that the injunction heretofore granted by the said district court be and the same is hereby dissolves. It is further ordered by the court that the said appellee do have and recover from and of the said Appellant Charles E. Donnelly their costs in this behalf expended to be taxed, for which let execution issue.

No. 1026	Richard Di Palma, and Bernard Ruppe	)	Error to District Court
	Plaintiff in error	)	
	vs	)	
	Jacob Weinman and Joseph Barnett	)	
	Defendants in error	)	

This cause again coming on before the court upon the motion of defendants in error her in for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises, overrules and denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is overruled and denied.

No. 1129	United States of America	)	Appeal from District Court First Judicial Dist.
	Appellant	)	
	vs	)	
	Benito Mares and Anastacio Santistevan	)	
	Appellee	)	

This cause coming on to be heard upon the transcript of record, assignment of errors

and briefs of counsel, is argued by E. L. Medler, Esq. for the appellant, and N. B. Laughlin, Esq. for the appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1130	Jones, Downs, and Company	Appellee,	)	Appeal from District Court Grant County.
	vs			
	Weld C. Chandler, Et al.,	Appellants		

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs by appellant and Argued by R. M. Turner, Esq. for appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

In re. Death of S. M. Ashenfelter)

Now comes R. M. Turner, Esq. and suggests here to the court the death of S. M. Ashenfelter a member of the bar of this court, and the court appoints the Honorable John R. McFie, Honorable Frank W. Parker, and R. M. Turner Esq. and H. B. Holt, as a committee to prepare and present to this court proper resolutions touching the life and character of the said S. M. Ashenfelter deceased, and the court out of respect of the death of the said S. M. Ashenfelter takes a recess until tomorrow at four o'clock.

It is ordered that the court do now adjourn until tomorrow afternoon at four o'clock P.M.

William Jones
Chief Justice etc.

Twenty-third Day, Friday, February 2nd, 1906.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1031

Elias Chaves and Emilia Chaves de Armijo)
Appellees,)
vs)
Ben Myer, Adm.m and Maria A. de Lucero &)
J. Blas Lucero) Appellants

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills and Associate Justices McFie, Parker and Mann, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be, and the same hereby is affirmed, and that in accordance therewith, It is therefore ordered, considered and adjudged by the court that the mortgage described in said complaint executed by said defendants appellants, Maria A. de Lucero and J. Blas Lucero, her husband, and delivered to said defendant appellant, Ben Myer on March 6, 1900, upon the following described premises, to wit:- Lots numbered Seventeen(17), Eighteen (18), Nineteen (19), and Twenty (20), in Block letter C in the Baca and Armijo addition to the town (now city) of Albuquerque, County of Bernalillo and Territory of New Mexico as shown on the map of said Addition made by Pitt Ross, C.E., and filed in the office of the probate clerk and ex-officio recorder for said Bernalillo County, N. M. on April, 28, 1888; Also a piece of land known as the Ignacio Baca property situate north of the above described lots and bounded on the north by Pacific Avenue; on the south by an alley and aforesaid lots; on the east by the lands of one Dempsey and on the west by a contra acequia, be and the same hereby is foreclosed; that said defendants Maria A. de Lucero and J. Blas Lucero pay or cause to be paid to the said plaintiffs the sum of two thousand two hundred and seven dollars and fifty eight cents the amount of the judgment in favor of said plaintiffs secured to be paid by the said mortgage, together with interest thereof from November 17, 1902, at the rate of six per cent per annum, and the costs of this suit, within ninety days from the 2nd day of February, 1906, being the date of this decree; that in default of said payment, the said premises in said complaint and hereinbefore described, be sold at public auction at the front door of the court house of Bernalillo County, N. M. by W. E. Dame, who is hereby appointed a special master of this court for that purpose, notice of the time, place and terms of such sale, together with a description of the property to be sold having been first given by publication of such notice, in some Newspaper published in said county for four consecutive weeks prior to said sale; that out of the proceeds of such sale the said special master shall first pay the costs of this suit including costs of sale and next apply the balance of said proceeds to the payment of said judgment and interest the surplus if any, after making said payments, to pay over to said defendants Maria A. de Lucero

ro and J. Blas Lucero, her husband, that if there shall be insufficient monies arising from said sale, to pay said costs and judgment, the said special master shall report the amounts of said insufficiency to this court; that said special master shall make full report of his doings hereunder to this court, and upon the approval by this court of such sale, shall execute and deliver to the purchaser at said sale, a deed to carry into effect the said sale, and that upon the execution and delivery of said deed, the said defendants Maria A. de Lucero and J. Blas Lucero, her husband, shall be and hereby are foreclosed of all equity or right of redemption of, in and to said premises; that said special master may at his discretion, sell the said property in mass or in separate parcels, as to him may seem to the best interests of the parties hereto. That the said appellee do have and recover their costs in this behalf expended to be taxed.

In the matter of the death of Singleton)
M. Ashenfelter, member of the bar of this)
Court)

Now comes the committee heretofore appointed by the court, and presents the following resolutions, and respectfully ask that the same be spread upon the records of this court, namely:

Whereas, it has pleased an all-wise Providence to remove from our midst Singleton M. Ashenfelter, Esq., an honored member of the bar of this court; and

Whereas, it is deemed fitting to spread upon the records of this court some expression of our esteem and affection for him and of our sense of loss at his death;

Now, Therefore, Be it Resolved, that we recognize in the deceased a man of fine legal attainments, a man of affairs in the history of the Territory, a kind, gentle, and faithful friend;

Resolved, further, that it is with deep sense of personal loss that we extend this, our last, tribute to the memory of our friend and brother at this bar, and that we bow in sorrow to the inevitable; And,

Resolved further, That we extend to his bereaved family our most heartfelt sympathy, and request that these resolutions be spread upon the records of this court and that a copy thereof be forwarded to the widow of the deceased.

R. M. Turner,

H. B. Holt,

Frank W. Parker

John R. McFie,

It is ordered that the court do now adjourn until Wednesday, February 23rd, 1906, at two o'clock in the afternoon

William J. Mills
Chief Justice, etc.

Twenty-fourth Day, Wednesday, January 24th, A.D., 1906.

Court met pursuant to adjournment.

Present Honorable, William J. Mills, Chief Justice.

Honorable John R. McFie, Associate Justice.

Honorable Frank W. Parker, Associate Justice.

Honorable William H. Pope, Associate Justice,

Honorable Edward A. Mann, Associate Justice,

Honorable Ira A. Abbott, Associate Justice.

David J. Leahy, Assistant United States Attorney.

C. H. Foraker, United States Marshal,

Geo W. Prichard, Attorney General.

Jose D. Sena, Clerk.

Record of Friday February 2nd, 1906, is read and approved.

It is ordered by the court that Joe Conklin be and he hereby is appointed crier for the present session of this court, whereupon he appeared in open court and was sworn as such.

No.1142 Territory of New Mexico)
vs. Appellee,)
Joshua P. Church,) Appeal from District Court, Chaves County
Appellant)

It is ordered by the court that this cause be and the same hereby if passed and that the appellants herein be and they hereby are granted sixty days within which to file their their briefs herein and appellees ten days thereafter to reply.

No.1145 Territory of New Mexico)
vs Appellee,)
M. D. Minter, &) Appeal from District Court Chaves County
Appellant)

It is ordered that this cause hereby is reset for the next adjourned session of this Court and that appellant do have sixty days from this date to file briefs herein and appellee tan days thereafter to reply.

No.1148 John H. Kingston et al.)
vs Appellants)
J.W.Walters,) Appeal from District Court Chaves County.
Appellee,)

It is hereby ordered by the court that this cause be and the same hereby is reset for hearing for the nest adjourned session of this court

No.1119 Territory of New Mexico)
vs Appellee,)
Escolastico Tais,) Appeal from District Court Socorro County.
Appellant)

Now comes Messrs Veeder and Veeder and moves the court for leave to enter their appear ance herein as attorneys for appellant and for time within which to file supplemental brief

and the court being sufficiently advised in the premises allowance appearance and appellant is hereby granted thirty days within which to file supplemental brief.

In re

J. H. Palmer,
Disbarment

Now comes the committee of the Bar Association on grievances and makes their report to the court in the above entitled matter which said report is ordered filed.

Susan E. Barber,

Plaintiff in error

No. 1094

vs

Monroe Harper

Defendant in Error

Appeal from District Court, Otero County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel is argued by George W. Prichard, Esq. for plaintiff in error and J. H. Paxton for defendant in error and submitted to the court, and the court, being sufficiently advised in the premises takes the same under advisement

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller
Chief Justice, etc.

Twenty-fifth Day, Thursday, March, 1st, A.D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1141

In re

J. M. Palmer
Member of the Bar

Disbarment.

The Grievance Committee of the Bar Association having filed its report in the above entitled matter, and the court having received and taken the same under advisement, and being now sufficiently advised in the premises, adopt the said report and the recommendations of the committee and in accordance therewith this cause hereby is remanded back to the District court that the same be tried therein in the regular course of business.

No. 1108

Abdres Candelaria an Infant, by Emigren)
Candelaria his natural and statutory guar)
dian, Appellee,)
vs)
Epimenio A. Miera,)
Appellant)

Appeal from District Court, Bernalillo County.

This cause coming on upon the motion of appellant for a rehearing heretofore filed, and the court having had the same under advisement, denies the same, It is therefore considered and adjudged that the motion of appellants for a rehearing, herein, is hereby overruled and denied.

No. 1109

Pualita Candelaria, an infant, By Emigren)
Candelaria her natural and statutory)
Guardian, Appellee)
vs)
Epimenio A. Miera)
Appellant)

Appeal from District Court, Bernalillo County.

This cause coming on upon the motion of appellant for a rehearing herein, heretofore filed and the court being sufficiently advised in the premises, denies and overrules the same, It is therefore considered and adjudged by the court that the motion of appellants herein for a rehearing be and the same hereby is overruled and denied.

No. 1108

Andres Candelaria, an Infant by Emigren)
Candelaria his natural and statutory)
Guardian, Appellee)
vs)
Epimenio A. Miera,)
Appellant)

Appeal from District Court, Bernalillo County.

This cause again coming on to be heard upon the motion of appellee herein to correct the judgment heretofore entered, so as to make the same conform to the judgment of the district court, for ten percent damages and for judgment on the sureties on the appeal bond, and the court having had the same under advisement, overrules the said motion as to the ten per cent damages, and grants the same as to the part of the motion asking that the record be corrected and for judgment against sureties, It is therefore considered and adjudged by the court that the judgment of the district court in and for Bernalillo County, be and the

same hereby is affirmed and that in accordance therefore, It is considered and adjudged by the court that the said Plaintiff and appellee Andres Candelaria, an Infant by Emigran Candelaria, his natural and statutory guardian, do have and recover of and from the said appellant Epimenio A. Miera, the sum of fifteen hundred and twenty-eight and 43-100 dollars (\$1,528.43 and his costs herein expended. It is further ordered and decreed by the court that the said appellee do have and recover of and from Isidro Sandoval and Policarpio Armijo, sureties in the appeal bond herein the sum of fifteen hundred and twenty-eight and 43-100 dollars together with costs in this behalf expended for which let execution issue. It is further ordered by the Court that this cause be and the same hereby is remanded to the District Court of Bernalillo County for further proceedings in accordance with this judgment.

No.
1109

Paubla Candelaria, an Infant, by Emigran Candelaria, her natural and statutory guardian
vs
Epimenio A. Miera
Appellant

Appeal from District Court Bernalillo County.

This cause coming on before the court upon a motion of appellee herein to amend and correct the judgment heretofore entered in this court, for ten per cent damages, and for judgment on sureties on the appeal bond and the court having had said motion under advisement and being now being sufficiently advised in the premises, over-rules said motion as to the ten per cent damages, and grants the same as to the part asking that the record be corrected so as to conform with the judgment of the district court and for judgment against sureties. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this cause be and the same hereby is affirmed and that in accordance therewith It is considered and adjudged by the court that the said Paubla Candelaria by Emigran Candelario her natural and statutory Guardian, do have and recover from and of the appellant Epimenio A. Miera, the sum of Fifteen hundred and twenty-eight and 43-100 dollars (\$1,528.43) and his costs herein expended. It is further ordered and adjudged by the court that the said Appellee herein do have and recover of and from Isidoro Sandoval and Policarpio Armijo, sureties on the appeal bond herein the sum of fifteen hundred and twenty-eight 43-100 dollars together with the costs in this behalf expended to be taxed for which let execution issue. It is further ordered and adjudged by the court that this cause, be and the same hereby is, remanded to the said District Court of Bernalillo County for further proceedings in accordance with this judgment.

No.
1143

Chas E. Donnelly,
Appellant
vs
R. B. Kelley et al.,
Appellees

Appeal from District Court Colfax County.

This cause coming on for hearing upon the motion of appellant to vacate judgment heretofore entered, and the court being fully advised in the premises denies and over-rules the same, It is therefore considered and adjourned by the Court that the motion of appellant herein to vacate the judgment herein heretofore entered be and the same hereby is overruled and denied.

No. 1031

Elias Chaves and Emilia Chaves de Armijo)
 Appellees)
 vs)
 Ben Myer, Administrator etc. and Maria A)
 de Lucero and J. Blas Lucero,)
 Appellants)

Appeal from District Court Bernalillo County.

This cause again coming on before the court upon the motion of appellee herein to re-mand this cause to the District Court to carry out the judgment in said cause, and the court being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the Court that this cause be and the same hereby is remanded to the District Court in and for the County of Bernalillo, whence this cause came into this court with instructions to the said district court to carry its judgment into execution.

No. 1131

Peter Kitchen)
 Appellee,)
 vs)
 George Schuster,)
 Appellant)

Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Neill B. Field Esq. for appellant and E. W. Dobson, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1132

Levi R. Thompson and A. B. McMillen,)
 Appellant,)
 vs)
 Maria Inez Garcia de Snyder)
 Appellee)

Appeal from District Court Bernalillo County.

This cause coming on for hearing on the transcript of record assignment of errors and briefs of counsel, is argued by Herbert F. Reynolds, Esq. for appellants and Frank W. Clancy, Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1147

In the matter of)
 Bernhard Myer)
 Bankrupt)

Appeal from District Court Bernalillo County.

It is ordered that this cause be and the same hereby is reset for hearing for the next adjourned session of this court.

No. 1137

F. E. Hyde Jr.)
 Appellee)
 vs)
 J. E. Elmer, Sheriff,)
 Appellant)

Appeal from District Court San Juan County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. C. Abbott for appellee, and submitted on briefs by appellants, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1138 Mariatte P. Whetherill)
 Appellee)
 vs) Appeal from District Court San Juan County.
 J. E. Elmer, Sheriff)
 Appellant)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. C. Abbott, for appellee and submitted on briefs by appellant and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1140 Territory of New Mexico)
 Appellee)
 vs) Appeal from District Court San Juan County.
 J. H. Russell,)
 Appellant)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Mark B. Thompson, for appellant and George W. Prichard Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until to eleven o'clock A. M.

William J. Mills.
 Chief Justice etc.

Twenty-sixth Day, Friday, March 2nd, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1069

Alexander M. Hendry)
Plaintiff in Error,)
vs)
The Lincoln Lucky & Lee Mining Co. et al)
Defendants in Error)

Error to District Court Santa Fe County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of this court, upon the motion of Defendant in error herein to strike out the motion for new trial and the bill of exceptions, and the court having had the same under advisement, and being now sufficiently advised in the premises, announces its decision Per Curiam, denying said motion; It is therefore considered and adjudged by the court that the motion of defendants in error to strike out the motion for new trial and the bill of exceptions herein, be and the same hereby is denied and overruled. Now comes E. A. Fiske, Attorney for defendants in error herein and makes exception to the ruling of the court herein which said exception is hereby granted. It is further ordered by the court that this cause be and the same hereby is set for hearing for the adjourned session of this Court, to be held June 27th, A. D., 1906.

No. 1075

The United States of America,)
Appellee,)
vs)
The Rio Grande Dam & Irrigation Company)
et al.,)
Appellants,)

Appeal from District Court Third District.

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a previous day of the present term, and the court, being now sufficiently advised in the premises, announces its decision by Associate Justice Morie, Chief Justice Mills, and Associate Justices Pope, Mann, and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore, considered and adjudged by the court that the judgment of the district Court in and for the Third Judicial District Court, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore ordered adjudged and decreed by the court that the rights of the said defendants, or either of them, to construct and complete, the said reservoir and said ditch, or any part thereof, under and by virtue of said Act of Congress of March 3, 1901, be and the same are hereby declared forfeited. It is further ordered, adjudged and decreed by the Court by reason of the premises that an injunction be, and the same is hereby granted against the said defendants, enjoining them from constructing or attempting to construct the said reservoir or any part thereof, and that the same be made perpetual. It is further ordered, adjudged and decreed by the court that the said plaintiff have and recover from the said defendants in error its costs in this behalf expended, to be taxed for which let execution issue.

No. 1099. El Capitan Land & Cattle Company of N. M.)
 Plaintiff in error.)
 vs.) Appor from District Court Lincoln County.
 E. H. Lees)
 Defendant in Error)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered, adjudged and decreed by the Court that the said defendant in error do have and recover, of and from the plaintiff in error herein, El Capitan Land and Cattle Company of New Mexico, the sum of Two thousand Seven Hundred Thirty-three and 81/100 dollars (\$2,733.81) and the said sum shall bear interest from the date herereof at six per cent per annum; and that the said defendant in error do have and recover of and from the said plaintiff in error herein his costs expended, taxed at \$10.10 and the costs of this court to be taxed for which let execution issue.

No. 1100. Orson E. Clark)
 Plaintiff in Error)
 vs.) Error to District Court Lincoln County.
 The Apec Gold Mining Co. et al.,)
 defendant in Error)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Ira A. Abbott, Chief Justice Mills and Associate Justices, McFie, Parker and Pope, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the said plaintiff in error herein that the bill of complaint be and the same hereby is dismissed and that he take nothing from this writ. It is further ordered, adjudged and decreed that the injunction heretofore granted on the request and application of the plaintiff by this Court be, and it is hereby dissolved, vacated and annulled, and that the custodian of the property heretofore appointed on the like application from the plaintiff be, and he is hereby discharged from further service in relation thereto, and he is directed to restore all property which came into his custody by reason of his said appointment to the person or persons from whom he received the same. It is further ordered, adjudged and decreed that the plaintiff Orson E. Clark, pay the costs of this suit, taxed at \$585.85 which amount shall include the compensation of Lee H. Rudisille for the case and custody of the property involved in this action for the term of nine months as per stipulation on file herein, and the order of the Court thereon together with the costs of this court to be taxed for which let execution issue.

No. 1102

Bank of Commerce
Appellant
vs
Baird Mining Company, Ltd.
Appellees

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present, and the court having had the same under advisement, and being sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice Mills, and Associate Justices McFie, Parker and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the district Court in and for the County of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee go hence without day, and recover of the said appellant its costs in this behalf expended to be taxed for which let execution issue.

No. 1112

Thomas S. Hubbell,
Relator
vs
Ira A. Abbott, Judge of the Second Judicial District and of the District Court of Bernalillo County, New Mexico
Respondent

PROHIBITION.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term on the motion of respondent to quash the writ of prohibition herein heretofore issued, and the court having had the same under advisement, and being now sufficiently advised in the premises, announces its decision by Chief Justice William J. Mills, Associate Justices McFie, Parker and Pope concurring quashing the preliminary writ of prohibition, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the preliminary writ of prohibition herein heretofore allowed, be and the same hereby is quashed and that the said relator pay the costs in this behalf expended to be taxed.

No. 1113

Benjamin H Dye, et al.,
Appellees
vs
H. C. Crary. et als.
Appellants

Appeal from District Court Socorro County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Associate Justice Pope and Abbott, Concurring and Chief Justice Mills and Associate Justice McFie, dissenting, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Socorro, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee herein have and recover from said appel

lands an undivided five-sixth of the said "Compromise mine,, described in the complaint of said cause, and situated on the easterly slope of Baxter Mountain, and on the westerly side of Baxter Gulch on said mountain, in the White Oaks mining district in the County of Lincoln, and Territory of New Mexico, and more particularly described in said complaint, and that plaintiff have and recover their costs in this behalf expended to be taxed and that execution is sue in favor of said plaintiff appellee for possession of said property.

No. 1115 Territory of New Mexico Ex Rel Thomas S. Hubbell, Appellant
vs
William E. Dame, Clerk, etc. Appellee,
Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice William H. Pope Chief Justice William J. Mills, and Associate Justices McFie Parker and Mann, concurring dismissing the appeal herein, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the appeal from the district Court in and for the County of Bernalillo, whence this court came into this court, the appeal herein is hereby dismissed, and that the appellant do pay the costs in this behalf expended.

No. 1116 Thomas S. Hubbell, Appellant
vs
Perfecto Armijo Appellee,
Appeal from District Court Bernalillo County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision by associate justice Parker, Chief Justice Mills, and Associate Justices Pope McFie and Mann, concurring, dismissing the appeal herein for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is dismissed and that the appellant pay the costs in this behalf expended to be taxed for which let execution issue.

No. 1117 Eslavio Vigil, Appellant
vs.
Andrew B. Stroup, Appellee,
Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision Per Curiam, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo Whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant take nothing by his writ and that he pay the costs in this behalf expended to be taxed.

No. 1118 Frank A. Hubbel, Appellant
vs Justo R. Armijo, Appellee,
Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision Per Curiam, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith it is considered and adjudged by the court that the said appellant, plaintiff below, take nothing by his writ and that the appellee go hence without day, and recover from the appellant his costs in this behalf expended to be taxed.

No. 1126 Territory of New Mexico Appellee,
vs Jake Weatherlin Appellant,
Appeal from District Court Roosevelt County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices McFie, Parker and ~~Mann~~, Concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Roosevelt whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith It is therefore considered and adjudged by the Court that the appellant Jake Weatherlin be imprisoned in the Territorial Penitentiary, situate at Santa Fe, New Mexico, for the full period of three years beginning with today, and that he pay the costs of this prosecution to be taxed, and that execution issue therefor and the Sheriff of Roosevelt County is hereby ordered to deliver the said Jake Weatherlin to the superintendent or warden of said penitentiary who shall confine the said Jake Weatherlin in said Penitentiary for the full term of three years from this date and that a commitment issue therefor.

No. 1130 Jones? Downs Company, a corporation Appellee,
vs Weld C. Chandler, et al., Appellant,
Appeal from District Court Grant County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a previous day of the present term, and the court being sufficiently advised in the premises, announced its decision by Chief Justice William J. Mills, Associate Justices Abbott, McFie, Pope and Mann, concurring, affirming the judgment of the district Court and remanding this cause to the district Court, for reasons stated in the opinion of the court.

Day, March 2nd,

A. D.

1906.

court, on file, It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Grant, whence this cause comes into this court, be and the same hereby is affirmed, and this cause be and the same hereby is remanded to the district Court of Grant County, and direct the said district court to add to the judgment already given the sum of \$550.83, that being 5% upon the sum of \$11,016.60 the original amount of the judgment, and that the said sum of \$550.83 shall bear interest at the rate of 6% per annum from the 2nd day of March, 1906 until paid and that the said appellant pay the cost in this behalf expended, to be taxed, for which let execution issue.

Thomas S. Hubbell,
No. 1112 vs Ira A. Abbott, Judge etc.
Relator Respondent
Prohibition.

Now comes the relator herein, in open court and moves the court to be granted an appeal from the judgment and decree of this Court to the Supreme Court of the United States, and the Court being sufficiently advised in the premises, grants said motion, It is therefore considered and adjudged by the court that the said relator do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Territory ex rel. Tho as S. Hubbell,
No. 1115 vs W. E. Dame, Clerk, etc
Appellant Appellee,
Appeal from District Court Bernalillo County.

Now comes Appellant, by his Attorney W. B. Childers, and moves the court to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants said motion, It is therefore considered and adjudged by the court that the appellant herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Thomas S. Hubbell,
No. 1116 vs Perfecto Armijo,
Appellant Appellee,
Appeal from District Court Bernalillo County.

Now comes the appellant herein by his Attorney William B. Childers, Esq. and moves the court for an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the court that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Eslavio Vigil,
No. 1117 vs Andrew B. Stroup.
Appellant Appellee,
Appeal from District Court Bernalillo County.

Now comes the appellant herein by his attorney W. B. Childers, Esq. and moves the court for an appeal from the judgment and decree of this court to the Supreme Court of the United

States, and the court being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the court that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

No. 1118 Frank A. Hubbell, Appellant,)
vs Justo R. Arrijo, Appellee,) Appeal from District Court Bernalillo County.

Now comes the appellant herein by his attorney W. D. Childers, Esq. and moves the court for an appeal to the supreme court from the judgment and decree of this court, to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the court that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

It is ordered that the court do now adjourn until Wednesday the 27th day of June, 1906 at ten A. M.

William J. Mills.
Chief Justice, etc.

IN VACATION. June 1st A. D., 1906.

IN THE NAME AND BY AUTHORITY OF THE
UNITED STATES OF AMERICA.

THE GOVERNOR OF THE TERRITORY OF NEW MEXICO

TO ALL TO WHOM THESE PRESENTS SHALL COME: GREETING;

KNOW YE That, Reposing Special Trust and Confidence in the Integrity, Ability and Distretion of, WILLIAM C. REID, I do appoint him to be Attorney General for the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that office according to law and to hold the said office with all of the righ and emoluments thereunto legally appertaining unto him, the said W i l l i a m C. Reid during the pleasure of the Governor of the Territory of New Mexico for the time being,

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed t the Great seal of the Territory of New Mexico. Done At Santa Fe, this (S E A L) First day of June, in the year of our Lord One Thousand Nine Hundred ad Six and ot the Territory the Fifty Sixth and of the Independence of the United States, the One Hundred and Thirtieth.

By the Governor J. W. Reynolds, Secretary of the Territory
H. J. Hagerman, Governor

Twenty Seventh Day, June 27th, A. D., 1906.

Court met pursuant to adjournment . . .

Present Honorable William J. Mills, Chief Justice.

Honorable John R. McFie, Associate Justice,

Honorable Frank W. Parker, Associate Justice,

Honorable William H. Pope, Associate Justice,

Honorable Edward A. Mann, Associate Justice,

Honorable Ira A. Abbott, Associate Justice.

W. C. Read, Attorney General,

C. M. Foraker, United States Marshal by J. H. Cooper Deputy.

Jose D. Sena, Clerk.

Record of Friday, March, 2nd, was read and approved.

It is ordered by the court that Joseph Conklin, be and he hereby is appointed crier for this session of the Court, whereupon he appeared in open court and was sworn as such.

It is ordered by the Court that Messrs J. W. D. Veeder, and W. C. Reid, are hereby appointed to act with the regular committee on examination of the applicants for the admission to the bar at the present session.

Alexander M. Henry,
Plaintiff in Error,
No. 1069 vs
Lincoln Lucky Lee Mining Co. et al.,
Defendant in Error

It is ordered that this cause be and the same hereby is reset for the next adjourned session of this court and that defendants in error do have until ten days before that date to file his brief herein.

No. 1146 Territory of New Mexico vs. Albuquerque Land & Irrigation Co.,
Appellee Appellant)
Appeal from District Court Bernalillo County)

It is ordered by the court that this cause be and the same hereby is reset for the next adjourned session of this court.

No. 1151 George R. Beasely, Appellant
vs James F. Hancock, Appellee
Appeal from District Court Chaves County

It is ordered by the court that the motion to strike this cause from the trial calendar be and the same hereby is overruled, and the motion to continue hereby is granted, It is therefor considered and adjoudged by the court that this cause be and the same hereby is continued until the next term of this court.

Territory of New Mexico
 No. 1134 vs Appellee,)
 Frank A. Hubbell,) Appeal from District Court Bernalillo County.
 Appellant 0

This cause coming on upon the motion of appellee to dismiss the appeal herein, and the same having been argued by counsel, and submitted to the court and the court being sufficiently advised in the premises, denies and overrules the same. It is therefore considered and adjudged by the court that the motion of appellee herein to dismiss the appeal herein, be and the same hereby is denied and overruled.

The Territory Of New Mexico,)
 No 1128 vs Appellee)
 Rosario Emilio,) Appeal from District Court Lincoln County.
 Appellant)

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of Counsel, is argued by Geo. B. Barber, Esq for appellant, and W. C. Read, Attorney General, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

The Territory of New Mexico)
 No. 1142 vs Appellee, 0
 Joshua P. Church,) Appeal from District Court Chaves County.
 Appellant 0

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Perfecto Armijo,)
 No. 1144 vs Appellee, 0
 J. M. Henry, et al.,) Appeal from District Court Bernalillo County.
 Appellant 0

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. B. Fergusson, for Appellants and cross appellees, and W. B. Childers, and S. Burkhardt, Esqrs for appellees and cross appellants, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

The Territory of New Mexico)
 No. 1145 vs Appellee)
 M. D. Minter,) Appeal from District Court Chaves County.
 Appellant,)

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1147 In the Matter of
Bernhard Myer
Bankrupt)
Appeal from District Court Bernalillo County.

It is ordered that this cause be and the same hereby is reset for the next adjourned session of this court.

No. 1163 The Territory of New Mexico)
Appellee.)
vs)
Appeal from District Court Socorro County.
Felix Baca,)
Appellant)

Now comes the Territory of New Mexico by her Attorney general, and moves the court that where as the appellant herein has failed to perfect his said appeal within the time prescribed by law, and the appellee presenting herein to this Court the skeleton transcript in the above entitled court moves the court to order this cause docketed and affirm the judgment of the court below, and the court being sufficiently advised in the premises, Grants the said motion, It is therefore ordered and adjudged that this cause be and the same hereby is ordered docketed, It is further ordered and adjudged by the court that the judgment of the court in and for the County of Socorro, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that the said appellant be remanded to the custody of the Sheriff of Socorro County, New Mexico, that he be by the said Sheriff, safely kept until such time as he, the said sheriff can convey him, the said Felix Baca, to the City of Santa Fe in the Territory of New Mexico, and that he, the said sheriff then and there deliver him, the said Felix Baca to the Superintendent of the Territorial Penitentiary, located at said City of Santa Fe, and that the said Felix Baca be, by the said Superintendent of the Territorial Penitentiary, therein confined at hard labor for the full term of one year, from and after this date.

No. 1164 The Territory of New Mexico,)
Appellee,)
vs)
Appeal from District Court Socorro County.
Manuel Roble,)
Appellant)

Now comes the Territory of New Mexico, by her attorney General, and presents hereto the court the skeleton transcript in the above entitled cause, and moves the court that Whereas the appellant has failed to perfect his appeal within the time prescribed by law this cause be ordered docketed and the judgment of the court below, be affirmed, and the court being sufficiently advised in the premises, grants the said motion It is therefore considered by the court that this cause be and the same be docketed, It is further ordered by the court that the judgment of the District Court in and for the County of Socorro, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said Manuel Roble appellant, be remanded to the custody of the Sheriff of Socorro County New Mexico,, and that he ~~the~~ be by the said sheriff safely kept until such time as he, the said sheriff can convey him, the

Twenty-seventh

Day,

Wednesday, June 27th, :

A. D.

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said Manuel Roble, to the City of Santa Fe, in the Territory of New Mexico,, and that he, the said Sherifff, then and there deliver him, the said Manuel Roble, to the Superintendent of the Territorial Penitentiary located at said city of Santa Fe, in the Territory of New Mexico, and that he, the said Manuel Roble, be, by the said Superintendent, therein confined at hard labor for the term of one year from and after this date.

And it is further considered and adjudged by the Court, and it is the further judgment and sentence of the Court, that the said defendant do pay the costs of this prosecution to be taxed, and that he stand committee until such costs are fully paid.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills,
Chief Justice, etc.

Twenty-Eighth Day, Thursday June 28th, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday

Record of Yesterday's proceedings read and approved.

Now comes the committee heretofore appointed to examine applicants for admission to the bar of this court, and reports to the court that they find Charles P. Downs and H. H. Major, suitable persons for admission to the bar of this Court, and upon motion of Robert C. Gortner It is ordered by the court that Charles P. Downs, and H. H. Majors, be and they hereby are admitted as Attorneys, solicitors and counselos of this court, upon their taking the oath of office and subscribing to the Oath prescribed by the rule, and the clerk of this court hereby is directed to issue to the said Chas P. Downs and H.H.Major a proper certificate of admission. Whereupon the said Chas H. Downs and H. H. Major appear in open court and take the oath prescribed by the rule and subscribe to the roll of attorneys.

Now comes A. J. Abbott Esq., and moves to the court that Judges J. G. Northcutt and H. J. Lunt be admitted to appear in causes Nos 1155, 1156 and 1158, and the court being fully advised grants the said motion It is therefore considered and adjoudged that Judges J. G. Northcutt and H. J. Lunt are hereby admitted to the bar of this court for the purpose of the above numbered causes.

No. 1101 R. L. Baca, et al, Plaintiffs and Filome-)
na Perea de Otero et als, Appellants)
vs) Appeal from District Court Bernalillo County.
Santiago Anaya, et als,)
Appellees,)

This cause coming on to be heard upon the motion of appellees hereth to quash the citation herein heretofore issued, and the same was argued by A. B. McMillen and R. W. Clancy for Appellees, and T. B. Catron, Esq. for appellants, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1133 Territory of New Mexico, Ex Rel T. S.)
Hubbell, Appellant)
vs) Appeal from District Court Bernalillo County.
Perfect Armijo,)
Appellee)

This cause coming on to be heard upon the motion of appellee; to dismiss the appeal herein and the same having been argued by Neill B. Field for appellee and W. B. Childers, Esq for appellant is submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1133 Territory of New Mexico Ex Rel Thomas S.)
Hubbell, Appellant)
vs) Appeal from District Court Bernalillo County.
Perfecto Armijo)
Appellee,)

This cause having been argued and submitted to and taken under advisement by the court

upon the motion of appellee to dismiss and being now sufficiently advised in the premises denies and overrules the said motion, It is therefore considered and adjoudged by the court that the motion of appellee herein to dismiss the appeal is denied and overruled.

No. John H. Kingston, et al.,)
1148 vs Appellant)
J. W. Walters, *) Appeal from District Court Chaves County.
Appellee)

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by A.J.Nisbet for Appellant, and W. C. Reid, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, ~~xxx~~ takes the same under advisement.

No.	W. R. Pilant,		)	
1149		vs	)	
	S. Hirsh & Co.		)	Appeal from District Court Chaves County.
			)	
			)	

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is submitted on briefs by appellant and Argued by A.J.Nisbet for appellee, and submitted to the court, and the Court not being sufficiently advised , takes the same under advisement.

No. 1150 W. R. Pilant vs S. Crabfielder, Appellant Appellee, Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted on briefs for appellant and argued by A. J. Nisbet for appellee and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills.

Chief Justice.

Twenty-ninth Day, Friday, June 29th, A. D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1133	Territory Ex rel, Thomas S. Hubbell,	)	Appeal from District Court Bernalillo County.
	Appellant,	)	
	vs	)	
	Perfecto Armijo,	)	
	Appellee,	)	

Now comes W. B. Childers, Esq. attorney for appellant in the above entitled court, and moves the court to dismiss the appeal herein without prejudice to the rights of appellant, and the court being sufficiently advised in the premises, grants the said motion, It is therefore, considered and adjudged that the appeal herein be and the same hereby is dismissed without prejudice to the rights of appellant herein.

No. 1032	Territory of New Mexico	)	Appeal from District Court Eddy County.
	Appellee,	)	
	vs	)	
	Garland Livingston,	)	
	Appellant,	)	

This cause coming on upon the motion of appellant herein for a rehearing, and the court having had the said motion of appellant for rehearing, under advisement, and being now sufficiently advised in the premises, overrules and denies the same, It is therefore considered and adjudged by the Court that the motion for a rehearing herein be and the same hereby is overruled and denied.

No. 1093	Florence P. Johnson, Adm. etc.	)	Appeal from District Court Valencia County.
	Appellee,	)	
	vs	)	
	Roman L. Baca, et als,	)	
	Appellant	)	

This cause coming on upon the motion of appellant for a rehearing and the motion of appellee for judgment on sureties on the supercedas Bond, and the said motions having been under advisement by the court and the court being now sufficiently advised in the motion overrules the motion for rehearing and grants the motion for judgment on the sureties on the supercedas Bond, It is therefore, considered, and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is overruled and denied, and that the motion of appellee for judgment on the sureties on the Supercedas Bond, be and the same hereby is allowed, It is therefore considered and adjudged. that the said plaintiffs and appellees do have and recover, of Thomas B. Catron and C. W. Dudrow, the sureties of defendants and appellants, upon their supersedeas bond given in this cause in the court below, as such sureties the sum of four thousand nineteen and 50/100 dollars, being the amount of principal, interest and attorney's fees expressed in said note, of which said sum three thousand six hundred and forty-five dollars thereof, shall bear interest at the rate of twelve per cent per annum and three hundred and sixty four and 50/100 dollars thereof shall bear interest at the rate of six per cent per annum from the 14th day of February, A. D., 1905, the

date of the judgment and decree in the court below, together with costs of suit.

It is further Ordered, Adjudged and decreed that unless the defendants of their sureties, shall pay or cause to be paid to plaintiff the said sum of money above specified according to the terms of this judgment within ninety days from the date hereof, the real estate described in the decree of the court below, be sold at public auction, under the direction of the court below, and in accordance with the terms and conditions of the said decree, which has been heretofore affirmed by this court, and that upon the coming in of the report of such sale, said district court may if necessary so to do, take further proceedings, or enter further judgment against said defendants and their said sureties, the same as though such sureties had been original defendants as sureties in the cause below but to no greater extent.

No.	El Capitan Land & Cattle Company, of N.M.	)	
1099	Plaintiff in Error	)	
	vs	)	Appeal from District Court Lincoln County.
	E. H. Lees,	)	
	Defendant in Error,	)	

This cause having come before the court upon the motion of plaintiff in error for a rehearing and the court having had the said motion under advisement, and being sufficiently advised in the premises, denies and overrules the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied and overruled.

No.	Territory of New Mexico,	)	
1126	Appellee,	)	
	vs	)	Appeal from District Court Roosevelt County.
	Jake Neatherlin	)	
	Appellee,	)	

This cause coming on to be heard upon the motion of appellant for a rehearing, and the court having had the same under advisement, denies and overrules the same, It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing is denied and overruled.

No.	Susan E. Babber,	)	
1094	Plaintiff in Error	)	
	vs	)	Error to District Court Otero County.
	Monroe Harper,	)	
	Defendant in Error	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its Decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Pope, Mann and Abbott, concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Otero, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the defendant in error do have and is entitled to the possession of the property described in the writ of replevin issued out of the District Court in the above entitled cause.

No. 1097

First National Bank of Albuquerque
Appellee
vs
George F. Albright, et al.,
Appellants

Appeal from District Court Bernalillo County.

This cause having been argued by Counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its Decision by Chief Justice Mills, Associate Justices Parker McFie, Mann and Pope Concurring, reversing the judgment of the court below, and remanding this cause to the said District Court with instructions to dismiss the complaint, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to dismiss the complaint, It is further adjudged and decreed by the court that the said appellants do have and recover of and from the appellee herein, their costs in this behalf expended for which execution may issue

No. 1104

Sofre L. Alexander,
Appellant
vs
Andrew W. Cleland,
Appellee,

Appeal from District Court, Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the Present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Parker, Mann and Pope concurring, reversing the judgment of the court below, and remanding this cause to the said district court for further proceedings in accordance with the opinion of this court, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo Whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to proceed further, in accordance with the opinion of this court. It is further ordered and adjudged by the court that the appellant herein do have and recover of and from the appellee his costs in this behalf expended, for which let execution issue.

No. 1107

Alejandro Sandoval,
Appellant
vs
Board of County Commissioners Bernalillo
County,
Appellee,

Appeal from District Court Bernalillo County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills and Associate Justice McFie, Parker and Pope concurring, Affirming the judgment of the court below for reasons stated in the opinion of the Court on File: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the coun-

ty of Bernalillo, whence this cause came into this court be, and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant do take nothing from his writ and that the appellee recover its costs in this behalf expended and that execution may issue.

No.
1144

Frank A. Hubbell,)
Appellant,)
vs)
Board of County Commissioners Bernalillo Co)
Appellee)

Appeal from District Court Bernalillo County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and Associate Justices McFie, Parker and Pope, concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the appellee do have and recover of and from the defendant and appellant the sum of Three thousand and ninety two dollars and eight cents, together with its costs in this behalf expended to be taxed and that it have execution therefor.

The First National Bank of Roswell, N.M.)
Appellee)
No. 1125 vs)
M. C. Stewart, Sheriff,)
Appellant)

Appeal from District Court Eddy County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices Mann, Parker and McFie, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Eddy whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the plaintiff and appellee is hereby given judgment against the defendant and appellant for the possession of the goods and merchandise mentioned in the complaint, and for its costs in this behalf expended in which it may have execution.

Territory of New Mexico)
Appellee,)
No. 1140 vs)
James H Russell,)
Appellant.)

Appeal from District Court San Juan county.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised

in the premises, announces its decision by Associate Justice Ira A. Abbott, Chief Justice Mills and Associate Justice Parker, MaNN & Pope concurring affirming the judgment of the court below, for reasons states in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of San Juan whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore, considered and adjudged by the court that the said defendant and appellant J. H. Russell do make unto the Territory of New Mexico the full sum of fifty dollars fine and the costs in said prosecution to be taxed and that execution do issue against him.

No. 1162

D. T. Hoskins, Trustee,	)	
	)	
Appellee,	)	Appeal from District Court San Miguel County.
vs	)	
Peter Roth,	)	
Appellant	)	

Now comes C. A. Spiess, esty, attorney for appellee herein, and moves the court to affirm the judgment of the court below, in the above entitled cause, for the reason that the appellant herein have failed to perfect their appeal herein, and for the further reason that the appellee have failed to file a transcript of record in this court as perscribed by law and within ninety days from the date of appeal in the court below, and the court having had the said motion under advisement and being sufficiently advised in the premises, affirms the judgment of the court below, It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of San Miguel, be and the same hereby is affirmed, and that in accordance therewith It is considered, adjudged and decreed, by the court that plaintiff do have and recover of and from the said defendant the possession of the real estate in plaintiff's complaint in said action described, to wit:- All the piece and parcel of land and real estate situated lying and being in the county of San Miguel and Territory of New Mexico described as follows, to-wit: Beginning at the northwest corner of Block Number Nine of the Reynolds and Harrold Addition to Las Vegas, San Miguel County, New Mexico, as shown on a plat of said addition on file in the office of the Probate Clerk and Ex-Officio Recorder of San Miguel County, to which reference is hereby made; said point of begining being at the intersection of Eighth & Mills Avenue; thence in an easterly direction 400 feet more or less to the Mora road; thence in a southwesterly direction along said Mora road 300 feet more or less to the north line of the land now or formerly belonging to Adolph Tietlebaum; thence in a westerly direction along the said north line of land of Adolph Teitlebaum to a point on the east side of Eighth St. 235 feet more or less south of the northwest corner of said Block 9; thence in a nobtherly direction along the east line of said Eight Street, 235 feet more or less to axpoint of beginning." And that said plaintiffs be let into the possession thereof and in the usual form the writ of possession in said cause issue within thirty days from the date hereof and that the said appellee do have and recover of said defendants their costs in the district court taxed at \$54.50 together with the costs of this court for which let execution issue.

It Is Ordered, that the following rule, be and the same hereby is adopted, and the same shall be in full force and take effect from and after the first day of August, A.D., 1906.

R U L E XXVIII.

In all cases brought into this court, by writ of error or appeal, to review any judgment or decree, the clerk of the court by which such judgment was rendered shall annex to and transmit with the record a copy of the opinion or opinions filed in the case.

William J. Mills,
Chief Justice.

Frank W. Parker,
Associate Justice

John R. McFie,
Associate Justice

Edward A. Mann,
Associate Justice

Wm. H. Pope,
Associate Justice

Ira A. Abbott,
Associate Justice

No. 1155	Teodocio Martinez,	)	
	Plaintiff in Error,	)	
	vs	)	Error to District Court Colfax County.
	St. Louis, Rocky Mountain & Pacific Ry Co.	)	
	Defendant in Error,	)	
No. 1156	Joseph Scoggin,	)	
	Plaintiff in Error	)	
	vs	)	Error To District Court Colfax County.
	St. Louis, Rocky Mountain & Pacific Ry Co.	)	
	Defendant in Error	)	
No. 1158	Santa Fe, Raton & Des Moines R.R. Co.	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Union County.
	St. Louis, Rocky Mountain & Pacific Ry. Co.	)	
	Defendant in Error	)	

These cause coming on to be heard upon the motion of defendants in error to dismiss the writs of error herein, was argued by J.G. Northcutt, J.H. Lunt, and A.J. Abbott, for plaintiffs in error and C. A. Spiess for Defendants in error and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1134	Territory of New Mexico,	)	
	Appellant	)	
	vs	)	Appeal from District Court Bernalillo County.
	Frank A. Hubbell, Esq.	)	
	Appellee,	)	

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. W. Clancy, Esq for appellant and W. B. Childers, Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 957	The Palatine Insurance Company Plaintiff in Error vs Santa Fe Mercantile Company, Defendant in Error	Error to District Court San Miguel County.
No. 958	Atlas Insurance Company Plaintiff in Error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court San Miguel County.
No. 959	North British & Mercantile Ins. Co. Plaintiff in Error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court San Miguel County.
No. 960	The National Fire Insurance Company Plaintiff in Error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court San Miguel County.
No. 961	London & Lancashire Fire Ins. Co. of Liver- pool Eng. Plaintiff in error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court San Miguel County.
No. 962	Continental Fire Insurance Company Plaintiff in error vs Santa Fe Mercantile Co. Defendant in Error	Error to District Court San Miguel County.
No. 963	American Central Insurance Company Plaintiff in Error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court San Miguel County.
No. 964	Springfield Fire & Marine Ins. Co. Plaintiff in Error vs Santa Fe Mercantile Company Defendant in Error	Error to District Court, San Miguel County.
No. 965	Oriental Insurance Co. of Hartford Conn. Plaintiff in Error, vs Santa Fe Mercantile Company Defendant in Error.	Error to District Court San Miguel County.

This cause having come before the court upon a motion of plaintiffs in error in the above entitled causes to retain costs as taxed in the District Court, the said motion was argued by W. E. Childers, Esq. for Plaintiffs in error, and A. E. Renahan, Esq. and T. E. Jackson Esq. for defendants in error, and submitted to the court, and the court having read the said motion under advisement and being now sufficiently advised in the premises, grants the said motion to the extent of a distribution of the witness and sheriff's fees taxed in the cause of the Palatine Insurance Company, that the same be distributed equally among the nine companies in the above entitled causes, It is therefore considered and adjudged by the court that the costs hereinbefore taxed in the District Court and charged to the Palatine Insurance Company, be and the same hereby are decreed to be and are ordered distributed pro rata among the nine companies in the above nine entitled causes.

No. 1155	Teodocio Martinez,	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Colfax County.
	St. Louis, Rocky Mountain & Pacific Ry. Co.	)	
	Defendant in Error	)	
No. 1156	Joseph Scoggin,	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Colfax County.
	St. Louis, Rocky Mountain & Pacific Ry. Co.,	)	
	Defendant in Error	)	
No. 1158	Santa Fe, Raton & Des Moines Railroad Co.	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Union County.
	St. Louis, Rocky Mountain & Pacific Ry. Co.	)	
	Defendant in Error	)	

These causes having been argued by counsel, and submitted to the court upon the motion of defendants in error to dismiss the writ of error herein, and the court having had the said motion under advisement and being now sufficiently advised in the premises, grants the said motion to dismiss; It is therefore considered and adjudged by the court that the writ of error in each of the three above entitled causes, be and the same hereby is dismissed.

It is ordered by the court that the court do now adjourn until August 28th, A.D., 1906. at ten o'clock A. M.

William J. Mills,
Chief Justice, etc.

Thirtieth Day, Tuesday August, 28th, A. D., 1906

Court met pursuant to adjournment,

Present, Honorable William J. Mills, Chief Justice,

Honorable John R. McFie, Associate Justice,

Honorable Frank W. Parker, Associate Justice,

Honorable Edward A. Mann, Associate Justice,

Honorable Ira A. Abbott, Associate Justice,

David J. Leahy, Assist United States Attorney,

W. C. Read, Attorney General,

Jose D. Sena, Clerk.

No. 1069	Alexander M. Henry,	)	Appeal from District Court Santa Fe County.
	Plaintiff in Error	)	
	vs	)	
	H. B. Cartwright, et al.,	)	
	Defendants in Error,	)	

This cause coming on before the court upon the motion of defendant in error herein for an order on the district clerk to forward to this court the original bond in the above entitled court, and the court being sufficiently advised in the premises, there being no objection for plaintiff in error, grants the said motion, It is therefore ordered and adjudged by the court that the clerk of the District Court in and for the County of Santa Fe, be and he hereby is directed to forward to this court the original bond in the above entitled cause.

No. 1146	Territory of New Mexico,	)	Appeal from District Court Bernalillo County.
	Appellee,	)	
	vs	)	
	Albuquerque, Land & Irrigation Company	)	
	Appellant	)	

It is ordered that this cause be and the same hereby is continued until the next regular term of this court.

No. 1152	Stern-Rogers Manufacturing Company	)	Appeal from District Court Bernalillo County
	Appellee,	)	
	vs	)	
	Aztec Gold Mining & Milling Co. et al	)	
	Appellants	)	

It is ordered by the court that this cause be and the same hereby is continued until the next regular term of this court.

No. 1159	Mogollon Gold & Copper Co,	)	Error to District Court Socorro, County.
	Plaintiff in Error	)	
	vs	)	
	J. W. Stout,	)	
	Defendant in Error	)	

It is ordered that this cause be and the same hereby is continued until the next regular term of this court. It is further ordered by the court that the appellant herein do have sixty days from this date to file briefs herein and appellee ninety days from this date to file briefs in the above entitled cause.

Eduardo Chaves,
 No. 1165 J. D. Torlina, vs Appellee,
 Appellant } Appeal from District Court Bernalillo County.

It is ordered by the court that this cause, be and the same hereby is continued until the next regular term of this court.

It is ordered by the court that Messrs W. O. Read, C. A. Spies, and F. W. Clancy, be and they hereby are appointed to act with the committee on examination of applicants for admission to the bar of this court, at this session.

It is ordered that Erinero Chaves, be and he hereby is appointed crier for this session of the court whereupon he appeared in open court and was duly sworn as such.

First National Bank of Albuquerque,
 No. 1097 vs Appellee,
 George F. Albright, et al., Appellants, } Appeal from District Court Bernalillo County.

Upon application of the appellee in the above cause, and it appearing to the court that the said appellee has duly filed its assignment of errors and prayed an appeal, it is hereby ordered that the appeal of said cause to the Supreme Court of the United States be, and the same hereby is allowed. Said appeal being prayed for and allowed in open court at the same term that said final judgment was rendered.

William J. Mills,

Chief Justice, etc.

Territory of New Mexico
 No. 1140 vs Appellee,
 J. H. Russell, Appellant, } Appeal from District Court San Juan County.

This cause coming on upon the motion of appellant herein for a rehearing of this cause, and the court having had the said motion under advisement, and being sufficiently advised in the premises, overrules and denies the same. It is therefore considered and adjudged that the motion for a rehearing in the above entitled cause be and the same hereby is overruled

Benjamin H. Dye, et al.,
 No. 1113 vs Appellee,
 H. C. Crary, et al., Appellant, } Appeal from District Court Socorro County.

This cause coming on to be heard upon the motion of appellants for additional findings of fact in the above entitled cause, and the court having had said motion under advisement the court overrules the same on the ground that this court is of the opinion that as the whole evidence with the record goes on writ of error to the Supreme Court of the United States, the findings of facts requested in addition to those incidentally found by the court in its opinion, is unnecessary, Therefore it is considered and adjudged by the court that the motion for

additional findings of fact hereby is overruled and denied for the reasons above specified.

To which action of the court in overruling the motion and refusing to find the facts requested by the appellants, then and there prayed and exception, which exception was duly allowed by the court.

Now comes the committee heretofore appointed by this court to examine all applicants for admission to the bar of this court, and report to the court that they find Messrs C. F. Dezen-
dorf Geo. F. Bruington, Geo W. Oliver, J. W. Eden, and A. L. Love, proper persons to be admit-
ted to the bar of this court and on motion of F. W. Clancy, it is ordered and adjudged by the
court that C. F. Dezen-
dorf, Geo F. Bruington, Geo W. Oliver J. W. Eden and A. L. Love be and
they hereby are admitted as solicitors attorneys and counsellors of this court, upon their
signing the roll taking the oath and otherwise complying with the rule of this court, and the
clerk of this court is hereby directed to issue to the said C. F. Dezen-
dorf and Geo W. Oliver J. W. Eden and A. L. Love proper certificates of admission, Whereupon
there appeared in poen court Messrs C. F. Dezen-
dorf, Geo W. Oliver, J. W. Eden and A. L. Love
and were duly sworn and subscribed to the roll of this court. It is ordered that Mr Geo F.
Bruington do have until the first day of the next regular term within which to appear and
sign the roll and take the oath of office.

No. 1093 Florence P. Johnston, Administratrix etc.)
Appellee,)
vs)
R. L. Baca, et al.,) Appeal from District Court Valencia County.
Appellant,)

This cause coming on before the court upon the motion of appellant herein to recall and
quash execution herein heretofore improperly issued, was argued by T. B. Catron, Esq. for
appellant and A. H. McMillen Esq for appellee and submitted to the court and the court not
being sufficiently advised in the premises, takes the same under advisement.

No. 1059 Sefre Alexander,)
Relator)
vs)
Seferino Crollott Justice of the peace etc.) Prohibition
Respondent)

Nox comes the defendant and appellee in the above entitled cause and presents hereto to
the court the mandate of the Supreme Court of the United States which said mandate recited
that the appeal taken in said cause was dismissed by the supreme Court of the United States,
and commands this court to enter judgment in this court for the docket fee allowed in this
appeal in said Supreme Court of the United States. It is hereby ordered and adjudged by this
court that the appellee do have and recover from and of the appellant the sum of _____
costs allowed as per said mandate and for such other costs as he may be entitled to recover
in this court to be taxed, for which let execution issue.

No.
1069

Alexander M. Hendry, et al.,
Plaintiff in error,
vs
H. B. Cartwright,
Defendant in error,

Appeal from District Court Santa Fe County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by W. B. Childers, Esq. for defendant in error, and W. B. Childers Esq. for plaintiff in error, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller

Associate Justice etc.

13

Thirty-first

Day, Wednesday, August 29th

A. D.

1906.

Thirty-first Day, Wednesday, August 29th, A.D., 1906.

Court met pursuant to adjournment,

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1093 Florence P. Johnston Admix. etc.)
Appellee,)
vs) Appeal from District Court Valencia County.
R. L. Baca, et al.,)
Appellant,)

This cause having been submitted to the court upon the motion of appellant herein to recall and quash the execution herein, heretofore issued, and the court having had the said motion under advisement and being sufficiently advised, allows the said motion to recall and quash execution, It is therefore considered by the court that the execution herein heretofore issued be and the same hereby is ordered recalled and the same hereby is quashed.

No. 1101 R. L. Baca, et al., Plaintiffs and Filomena)
Perea de Otero et als, appellants)
vs) Appeal from District Court Bernalillo County.
Santiago Anaya, et al.,)
Appellees,)

Now comes the appellee herein and asks the court for thirty days time within which to file additional briefs, and the court being sufficiently advised in the premises allows said leave and gives appellant leave to reply. It is so ordered.

No. 1127 Territory of New Mexico,)
Appellant,)
vs) Appeal from District Court Eddy County.
John Mills, et al.,)
Appellee,)

This cause coming on on the motion of appellee for leave to file briefs, It is ordered by the court the they are hereby allowed to file the same. and it is so ordered.

No. 1145 Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court Chaves County.
M. D. Minter,)
Appellant)

This cause coming on on the motion of appellant for leave to file additional briefs herein and the court being sufficiently advised in the premises, It is ordered by the court that the appellant is hereby given leave to file additional briefs herein.

No. 1147 In Re/)
Bernhard Myer,)
Bankrupy.) Appeal from Second Judicial District Court.

This cause coming on for hearing on the transcript of record, assignment of errors and briefs of counsel, and the counsel having submitted the same on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1154 Southern Car Manufacturing Company,
Appellants,
vs
Waren Wagner,
Appellee,
Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by A. L. Love esq for appellant and W. C. Reid, Esq for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1140 Territory of New Mexico, vs J. H. Russell, Appellee, Appellant,)))))) Appeal from District Court San Juan County.

Now comes the appellant by his attorney Mark B. Thomson and pray the court for an appeal from the judgment and decree of this court to the Supreme Court of the United States, which prayer is granted, It is therefore ordered by the court that the said appellant do have and they are hereby granted an appeal from the judgment and decision of this court to the Supreme Court of the United States.

The City of Roswell,)
No.)
1139 Appellee,)
vs) Appeal from District Court Chaves County.
— Benjamin F. Daniels, a)
—)
Appellant,)

This cause coming on upon the motion of appellant herein for a rehearing and the court having had the said motion under advisement, and being now sufficiently advised in the premises, denies the same, It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is overruled and denied.

No. Sofre Alexander,
1104 vs Appellant,
 Andrew W. Clemand)
 Appellee,)

Appeal from District Court Bernalillo County.

This cause coming on on motion of appellee herein for a rehearing, and the court having had the same under advisement, and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellee herein for a rehearing, be and the same hereby is overruled and denied.

No. The United States of America,)
1075 vs Appellee,) Appeal from Third Judicial District Court.
The Rio Grande Dam & Irrigation Company, et)
al Appellants)

Now on to wit, the 29th, day of August A. D., 1906, it is ordered that the appeal above prayed for be allowed from the said decree and judgment of the court entered in said above entitled cause on the 2nd day of March A.D., 1906. And it is further ordered that the said appellants have leave to file additional assignments of error if they desire, and make the same a part of the record in said cause at any time before the final authentication of the record in

said cause by the clerk, or at any time after the said cause may be docketed in the Supreme Court of the United States. And it is further ordered that citations issue in said cause to be served upon the counsel for said appellees as required by the statute and rules of court.

William J. Mills,
Chief Justice of the Supreme Court of the
Territory of New Mexico.

No. 1134	The Territory of New Mexico	)	Appeal from District Court Bernalillo County.
		)	
	vs	)	
	Frank A. Hubbell,	)	
	Appellant,	)	
		)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Parker, McFie, and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the said indictment is insufficient in law to require the defendant to plead thereto and that the same be, and it hereby is, quashed and that defendant go hence without dat;

No. 1121	J. J. Hagerman, et al.,	)	Appeal from District Court Chaves County.
		)	
	vs	)	
	Altha Meeks, et al.,	)	
	Appellants	)	
		)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Parker Abbott and Mann; reversing the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the Court below in and for the county of Chaves, whence this cause came into this court, be and the same hereby is reversed with costs.

No. 1007	Jose Dolores Marquez	)	Error to District Court Colfax County.
		)	
	Plaintiff in error,	)	
	vs	)	
	The Maxwell Land Grant Company	)	

Now comes the plaintiffs in error and move the court to make and certify a statement of the facts of this case in the nature of a special verdict for use on appeal from this court to the Supreme Court of the United States, which motion is not resisted by defendant in error which appears by its counsel, Charles A. Spiess; It is therefore ordered by the court that said motion be and the same hereby is granted and the making of said statement of facts is taken under consideration by the court.

No. 1007 Jose Dolores Marquez,
Plaintiff in error
vs
Maxwell Land Grant Company
Defendant in error

Error to District Court Colfax County.

Now come, the plaintiffs in error by their attorney, Frank W. Clancy, and pray the court for an appeal from the judgment and decree of this court, to the supreme Court of the United States, which prayer is granted; It is therefore ordered by the court that the said plaintiffs in error, be, and they hereby are, granted an appeal from the judgment and decree of this court to the Supreme Court of the United States.

No. 1075 The United States of America
Appellee,
vs
The Rio Grande Dam & Irrigation Co. et al.,
Appellants

Appeal from District Court Third Judicial Dist.

Now comes Messrs Klock & Owen, attorneys for defendants and appellants and move the court that it make a statement of facts in the above entitled cause, and the court being sufficiently advised in the premises, adopt as its own the statement of facts made by the court below.

It is therefore considered and adjudged by the court that this court adopts as its own statement of facts the statement of facts as made by the District Court in and for the Third Judicial District, whence this cause came into this court; and It is so ordered.

William J. Mills,

Chief Justice etc.

It is ordered that the court do now adjourn until the 25th day of October, A. D., 1906 at two o'clock P. M.

William J. Mills.

Chief Justice etc.

Thirty-second

Day,

Thursday October 25th,

A. D.

1906.

Thirty Second Day, Thursday October 25th, 1906.

Court met pursuant to adjournment.

Present Hon John R. McFie, Associate Justice,

C. M. Foraker, United States Marsha,

Jose D. Sena, Clerk.

It is ordered that H. S. Clancy be and he hereby is appointed crier and Cipriano Baca be and he hereby is appointed bailiff whereupon they both appeared in open court and were duly sworn as such.

There being no quorum present the court adjourned until Saturday October 27th, at 10 A. M., and it is so ordered.

William J. Miller.

Chief Justice, etc.

Thirty Third day, Saturday October 27th, 1906.

Court met pursuant to adjournment.

Present, Honorable William J. Mills, Chief Justice,
 Honorable John R. McFie, Associate Justice,
 Honorable Frank W. Parker, Associate Justice,
 Honorable Edward A. Mann, Associate Justice,
 Honorable Ira A. Abbott, Associate Justice,
 C. M. Foraker, United States Marshal,
 W. C. Reid, Attorney General for New Mexico
 Jose D. Sena, Clerk.

Record of of the proceedings of August 29th, and October 25th were read and approved.

It is ordered by the court that the application of E. B. Brumback for admission to the bar, be referred to the standing committee.

No. 1007	Jose Dolores Marquez, et al.,	)	
	Plaintiffs in error, et,	)	
	vs	)	Error to District Court Colfax County.
	The Maxwell Land Grant Company	)	
	Defendant in Error,	)	

On motion of plaintiffs in error by their counsel, Frank W. Clancy, no objection thereto being made by the defendant in error, which appears by its counsel, Charles A. Spiess, It is ordered by the court that the application of plaintiff in error that this court make a statement of facts in the nature of a special verdict, for use on appeal to the Supreme Court of the United States, as set out in said application, be filed nunc pro tunc, as of the 29th day of August, 1906, when said application was actually made; and the court having considered said application, denies the same and adopts the findings of the court below as the statement of this court of facts in the nature of a special verdict for use on the appeal of this cause to the Supreme Court of the United States, and directs that this denial of said application, and the making of said statement of facts, be entered nunc pro tunc, as of the 29th day of August, 1906. It is therefore ordered by the court that the said application of plaintiffs in error be and the same hereby is denied; that the findings of fact made by the court below in this cause, be and they hereby are accepted by this court as its statement of facts in the nature of a special verdict for use on the appeal of this cause to the Supreme Court of the United States; to which action of the court the plaintiffs in error object and except, and that this order be, and it hereby is, entered nunc pro tunc as of the said 29th day of August, 1906.

No. 1175	Leandro Baca,	Relator,	)	
	vs	)		Prohibition
	Frank W. Parker, Judge et c.	Respondent	)	

This proceeding come on for hearing upon the order to show cause why a writ of prohibition should not be issued as prayed for in the motion of relator, and the demurrer of said respondent to said motion, is argued by W. C. Reid, Esq. Attorney General, for respondent, and E. W. Dob-

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Thirty-third

Day,

Saturday, October 27th,

A. D.

1906.

son and Charles A. Spiess, Esquires for relator, and submitted to the court, and the court being fully advised in the premises, declines to issue a peremptory writ of prohibition herein, for reasons stated in its opinion on file. It is therefore ordered by the court that the peremptory writ of prohibition herein prayed for be, and the same hereby is denied and it is further ordered and adjudged that the said relator Leandro Baca, pay all costs of this proceedings to be taxed, and that execution issue therefor.

It is ordered that the court do now adjourn until the 27th day of December, at ten A. M.

— William J. Mills.

Chief Justice, etc.

Thirty-fourth Day, Thursday, December 27th, A.D., 1906.

Court met pursuant to adjournment

Present. Hon William J. Mills, C. J.

Hon John R. McFie, Associate Justice

Hon Frank W. Parker, Associate Justice

Hon William H. Pope, Associate Justice

Hon Edward A. Mann, Associate Justice

Hon Ira A Abbott, Associate Justice

W. C. Reid, Attorney General,

Jose D. Sena, Clerk.

Minutes of Saturday October 27th, were read and approved.

No.	Territory of New Mexico	)	
1168	vs	)	Appeal from District Court Chaves County.
	Oliver Pearson	)	
	Appellant	)	

Now comes the appellant in her above entitled cause by E. A. Fiske, Esq of Counsel, and says here to the court that he will no longer prosecute his said appeal, but dismisses the same, and the court being sufficiently advised in the premises, allows the said motion, It is therefore considered and adjudged by the court that the motion of appellant for a dismissal herein be and the same hereby is allowed and that the appeal herein be and the same hereby is dismissed.

It is ordered by the court that Erinel L. Chaves be and he hereby is appointed crier for this session of the court whereupon he appears in open court and is sworn as such.

No.	Territory of N. M. Ex Rel, Frank A. Hubbell)	
1179	Appellant	)
	vs	)
	Justo R. Armijo,	)
	Appellee,	)

Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, i. argued by A. B. McMillan, and W. B. Childers, Esquires for appellant, and Neill B. Field, Esq for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	Territory of N.M., Es Rel., Thomas S. Hubbell)	
1185	Appellant	)
	vs	)
	Perfecto Armijo.	)
	Appellee,	)

Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is argued by A. B. McMillan, Esq. and W. B. Childers, Esq. for appellants and Neill B. Field, for appellee, and submitted to the court, and the court not being suffi-

ciently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William J. Smith,

Chief Justice, etc.

Thirty-fifth Day, Friday December 28th, A.D., 1906.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No.
1179

Territory of N. M., Ex Rel Frank A. Hubbell)
Appellant)
vs)
Justo R. Armijo,)
Appellee,)

Appeal from District Court Bernalillo County.

This cause having been argued by counsel for the respective parties and submitted to the court, and the Court having taken the same under advisement, now announces its decision reversing the pro forma judgment of the court below, sustaining the defendants demurrer to the amended information filed in said cause and dismissing the said cause. It appearing to the court that the sole question raised by said demurrer was whether that provision of the Revised Statutes of the United States, providing that the Governor of the Territory "shall take care that the laws be faithfully executed," conferred any power on the governor to remove the relator from office and appoint his successor; and it further appearing that in the argument and in the brief filed by counsel for appellee that it was and is stated that this was the sole question involved in the case except the question of jurisdiction which was decided against the appellee, by the court below; It is considered, ordered and adjudged that the judgment of the court below sustaining the demurrer, pro forma, of the respondent and appellee, be and the same is hereby reversed; Wherefore, it is further considered, ordered and adjudged by this court that the said respondent Justo R. Armijo, has unlawfully usurped and does unlawfully usurp the office of Treasurer and Ex-Officio Collector of the County of Bernalillo, in the Territory of New Mexico, from the relator, Frank A. Hubbell, lawfull incumbent to the said office, and that the said respondent do hence forth cease and desist from in any manner intermeddling with or attempting to perform the duties or exercise the functions of said office. And it is further, considered, ordered and adjudged by the court that the said Frank A. Hubbell, have and recover of and from the respondent Justo R. Armijo, his costs in this behalf expended, to be taxed, and that he may have execution therefor.

No.
1185

Territory of N.M., Ex. Rel Thomas S. Hubbell)
Appellant)
vs)
Perfecto Armijo,)
Appellee,)

Appeal from District Court Bernalillo County.

This cause having been argued by counsel for the respective parties and submitted to the court, and the court having taken the same under advisement, now announces its decision reversing the pro forma judgment of the court below, sustaining the defendants demurrer to the amended information filed, in said cause and dismissing the said cause. It appearing to the court that the sole question raised by said demurrer was whether that provision of the Revised Statutes of the United States, providing that the Governor of the Territory "shall take care that the laws be faithfully executed," conferred any power on the governor to remove the relator

from office and appoint his successor; and it further appearing that in the argument and in the brief filed by counsel for appellee that it was and is stated that this was the sole question involved, in the case, except the question of jurisdiction, which was decided against the appellee by the court below; It is considered, ordered and adjudged that the judgment of the court below sustaining the demurrer, pro forma, of the respondent and appellee, be and the same is hereby reversed; Wherefore, it is further considered, ordered and adjudged by the court that the said respondent Perfecto Armijo, has unlawfully usurped and does unlawfully usurp the office of Sheriff of the County of Bernalillo in the Territory of New Mexico from the relator, Thomas S. Hubbell, lawful incumbent of the said office, and that the said respondent do henceforth cease and desist from in any manner intermeddling with or attempting to perform the duties or exercise the functions of said office. And it is further, considered, ordered and adjudged by the court that the said Thomas S. Hubbell, have and recover of and from the respondent Perfecto Armijo, his costs in this behalf expended, to be taxed, and that he may have execution therefor.

It is ordered that the court do now adjourn until Tuesday, January 8th, 1907 at 2 P.M.

William J. Smith,
Chief Justice etc.

Thirty-sixth Day, Tuesday, January 8th, A. D., 1907.

Court met pursuant to adjournment.

Present, Honorable, William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Edward A. Mann, Associate Justice

O? M. Foraker, United States Marshal, by H.F. Bogh Deputy

Jose D. Sena, Clerk.

No. 1121 J.J. Hagerman, et al.,
vs
Altha Meeks, et al.,
Appellants
Appellees
Appeal from District Court Chaves County.

It is ordered by the court that the motion for rehearing herein be and the same hereby is continued for the term.

No. 1179 Territory of N. M. Ex Rel. Frank A. Hubbell,
vs
Justo R. Armijo,
Appellant
Appellee,
Appeal from District Court Bernalillo County.

It is ordered by the court that the motion for rehearing herein be and the same hereby is continued for the term.

No. 1185 Territory of N.M. vs Thomas S. Hubbell,
vs
Perfecto Armijo
Appellant
Appellee,
Appeal from District Court Bernalillo County.

It is ordered by the court that the motion for re-hearing herein, be and the same hereby is continued for the term.

It is ordered by the court that all causes now under advisement and undetermined by the court at this term, be and the same hereby are continued for the term, until the next regular term.

It is ordered that the court do now adjourn sine Die.

William J. Mills,
Chief Justice etc.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of Government, on the first Wednesday after the first Monday in January, the same being the 9th day of January, A. D., 1907.

Present Honorable William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope Associate Justice

Honorable Edward A. Mann, Associate Justice

E. L. Medler, Assistant United States Attorney for New Mexico.

W. C. Reid, Attorney General

R. G. Gortner, Assistant Attorney General

C. M. Foraker U. S. Marshal by H. F. Bogh, Deputy

Jose D. Sena, Clerk.

It is ordered by the court that Irineo L. Chaves be and he is hereby appointed Crier and Charles F. Abreu, be and he hereby is appointed Bailiff for the present session of this Court, whereupon they each appeared in open court and were duly sworn as such.

Paschal R. Smith, et al.,
Appellants,

vs

Charles L. Ashton, et al.,
Appellees,

Appeal from District Court Grant County.

This cause coming on on motion of appellee herein praying for an affirmance of the judgment of the court below, on the ground that the appellant have failed to perfect their appeal as provided by law, and the court having had the said motion under advisement and being sufficiently advised in the premises, grants the same. It is therefore ordered and adjudged by the court that this cause be and the same hereby is dismissed, and that the appellees do have and recover their costs in this behalf expended to be taxed. It is further ordered, and adjudged and decreed by the Court that that certain notice of pendency of this suit which was filed in the office of the Probate Clerk and Ex-Officio Recorder of the County of Grant, in the Territory of New Mexico, which appears of record, in said office at page 335 of Book 1 of the Lis Pendens record thereof, be and the same is hereby cancelled and held for naught, and that said officer is hereby authorized and directed to make record hereof in his said office as by law provided. It is further considered, adjudged and decreed by the court that the appellees herein do have of and from the appellants Paschael R. Smith, John L. Burnside and The Clifton Copper Company, as principals and Sigmund Lindauer and Richard Hudson, as sureties on the appeal bond the sum of Thirteen dollars and four cents together with the costs of this court to be taxed for which they may have execution.

First

Day,

Wednesday January 9th

A. D.

1907

It is ordered by the Court that Attorney-General W. C. Reid be and he hereby is appointed as a member of the stading committee for the examination of applicants for admission to the Bar of this court from the fifth Judicial District It is further ordered that Mr E. L. Medler act with the said committee for the present session.

It is ordered that the court do now adjourn until tomorrow morning at ten O'clock A.M.

William J. Mills,
Chief Justice.

Second Day, Thursday, January 10th, A.D., 1907

Court met pursuant to adjournment

Present as upon yesterday, and Honorable Ira A. Abbott, Associate Justice.

O. M. Foraker, United States Marshal

Record of yesterday's proceedings were read and approved

No. 1179 Territory of New Mexico, ex rel Frank A. Hubbell, vs Justo R. Armijo
Appellant
Appellee,
Appeal from District Court Bernalillo County.

This cause coming on upon a motion of appellee herein for a rehearing and the court having had the same under advisement and being sufficiently advised in the premises, overrules and denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein, be and the same hereby is overruled and denied

No. 1185 Territory of New Mexico, ex rel T. S. Hubbell, vs Perfecto Armijo
Appellant
Appellee,
Appeal from District Court Bernalillo County.

This cause coming on upon the motion of appellee herein for a rehearing, and the court having had the same under advisement and being sufficiently advised in the premises, overrules and denies the same. It is therefore considered and adjudged by the Court that the motion for a rehearing herein hereby is overruled and denied.

No. 1045 United States of America, vs Mariano F. Sena,
Appellee,
Appellant
Appeal from First Judicial District Court.

Now comes E L. Medler, Assistant United States Attorney for New Mexico, and presents here to this Court the mandate of the Circuit court of Appeals for the 8th Circuit, reversing the judgment of this court and remanding the said cause to this court with directions to proceed in the exercise of jurisdiction over the subject matter of the appeal, and the court thereupon orders and directs that this cause be and the same hereby is reinstated on the docket of this court for further proceedings in accordance with the mandate of the said circuit court of appeals.

No. 1189 Benjamin H. Tallmadge et als., vs United States of America,
Appellants
Appellee,
Appeal from Fifth Judicial District

Now comes E.L. Medler, United States Assistant Attorney for New Mexico, and moves here to the court to docket the appeal herein and to affirm the judgment of the court below for the reason that the appellants in the above entitled cause have failed to perfect this their appeal by filing with the clerk of this court their transcript and assignment of errors

within the time prescribed by law and the rules of this court, and the court being sufficient
ly advised in the premises, grants the said motion. It is therefore considered and adjudged
the court that this cause be and the same hereby is ordered docketed and that the judgment of
the court below, be and the same hereby is affirmed, and that in accordance therewith, It is
considered and adjudged by the court that the said verdict be and the same is hereby, as to
said causes numbered 416, 417, 418, 420, 421, 422 and as to cause 415 (except count two thereof, and
also as to cause 432 except count one thereof be and the same is hereby set aside, and held
for naught and a new trial as to said causes is hereby granted,

No.	United States of America,	)	
1173	Appellant	)	
	vs	)	Appeal from Fifth Judicial District
	Benjamin H. Tallmadge et al.,	)	
	Appellants	)	

It is ordered by the court that this cause be and the same hereby is re@set for hearing
for the 21st day of January, 1907.

No.	Solomon Luna	)	
1055	Plaintiff in error	)	
	vs	)	Appeal from District Court Santa Fe County.
	Gerrillos Coal Railroad Company	)	
	Defendant in error	)	

It is hereby ordered that this cause be and the same hereby is reset for hearing for the
August session of this court

Now comes the committee heretofore appointed to examine applicants for admission to the
Bar of this Court and report here to the court that they find Messrs Allen W. Morningstar, Felix
Baca, C.J. Roberts, W.H. Weatherby Harry L. Patton, R.S. Meyer, E.B. Brumback, H.I. Nowlan,
Wallace E. Threasher, R.F. Hamilton and C.H. Alldredge, proper and suitable persons to be admitted
to the bar of this court, and upon motion of W. C. Reid, Esq. It is considered and adjudged by
the court that Messrs Allen W. Morningstar, Felix Baca, W.H. Weatherby, Harry L. Patton, R.S.
Myer, E.B. Brumback, H.I. Nowlan, Wallace E. Threasher, R.F. Hamilton and C.H. Alldredge and C.J.
Roberts be admitted as attornyes, solicitors and counselors of this court, upon their signing
the roll and taking the oath of office, Whereupon they and each of them appeared in open court
and took the oath of office and subscribed to the roll. It is further ordered by the court
that the clerk of this court issue proper certificates of admission the above named persons.

No. 153	In Re F.E. Mattison,
	Admission to the Bar

It is ordered by the court that the temporary license of Mr J.E. Mattison, be and the same
hereby is extended.

No. 121	In Re J. B. Atkinson
	Admission to the Bar.

It is ordered by the court that the temporary license of Mr J. B. Atkinson be and the
same hereby is revoked.

No. 1145

Territory of New Mexico

Appellee,

vs

The Albuquerque, Land & Irrigation Co.
Appellant

Appeal from District Court Bernalillo County.

This cause coming on for hearing, upon the transcript of record assignment of errors and Briefs of counsel, the appellants being represented by W. B. Childers, Esq. and the Territory by Attorney General W. O. Reid, and the error assigned that the Court did not acquire Jurisdiction of said cause by service of proper process or otherwise on the respondents, and it further appearing that the respondents did not appear in said cause, except for the purpose of taking an appeal, and that judgment was rendered against the respondents by default on an erroneous certificate of the clerk. It is considered, ordered and adjudged that the judgment of the District Court in and from the county of Bernalillo Whence this cause came into this court, be and the same is hereby reversed, and it is further considered ordered and adjudged that the said cause be and the same hereby is dismissed.

No. 1151

George R. Beasley,

Appellant,

vs

James F. Hancock,

Appellee,

Appeal from District Court Grant County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is argued by J. H. Paxton, Esq. for appellants, and E. A. Chaffee, Esq. for appellees, and submitted to the court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

No. 1151

George F. Beasley,

Appellant

vs

James F. Hancock

Appellee

Appeal from District Court Grant County.

This cause coming on for hearing upon the motion of E. A. Chaffee, Esq. Attorney for appellee, for judgment of dismissal of the appeal, and affirmance of the judgment of the court below with damages against appellant, Austin Beaseley for the failure of the said appellant Austin Beaseley, to perfect his appeal, and the court being sufficiently advised in the premises and being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Grant whence this cause came into this court, as to Austin Beaseley, be and the same hereby is affirmed, It is therefore considered and adjudged by the court that the said appellee James F. Hancock do have and recover of and from Austin Beaseley, the sum of three Hundred and seventy five dollars, with ten percent damages, together with his costs in this behalf expended to be taxed, and that he may have execution therefor.

Now comes the committee heretofore appointed by the Court to examine applicants for admission to the bar, and report here to the court that the find Messrs James A. Hall, John W. Mayes, Andrew S. McCreath Jr., Frank T. Campbell, R. C. Alford, H. L. Boon, Harvie Duval, H. P. Flint, Jack S. Harris A. M. Edwards, suitable and proper persons to be admitted to the bar

of this court, and upon motion of W. C. Reid, Esq. It is considered and adjudged by the court that Messrs James A. Hall, John W. Mayer, Andrew S. McCreath Jr., Frank T. Campbell, R. C. Alford, H. L. Boon Harvie Duval, H.P. Flint Jack S. Harris, and A. M. Edwards, be and they and each of them are hereby admitted as attorneys, Solicitors and counselors of this court, upon their signing the roll, and taking the oath of office prescribed by the Rules, Whereupon they and each of them appeared in open court and were duly sworn and subscribed to the Roll. It is further ordered by the court that the clerk of this court issue to each and every one of the above named persons a proper certificate of admission.

It is ordered by the court that the temporary license of the following named persons be and the same hereby are extended until the February session of this Court, to wit: W.O. Young, Thomas D. Penry, Geo F. Bruington, Ed S. Gibbany, J.G. Osburn, W.E. Goldman and J. Fleming Jones

It is further ordered by the court that the following named persons to wit:- Thomas J. Cork ey, A.W. Budinot, C.E. Farington, R.C. Barnes, E.F. Jones, John A. Pace, R.W. Palmer, H.F. Walnut, B.C. Bowen, C.A. Barlin, D.C. Griffith, E.D. Guffy, A.C. Heckler, Charles Kyte, J.K. Little, Geo W. McCrary, W. B. Braack, Alexander Murry, Jr.. To whom a temporary license had been granted by the various districts Courts, that the said temporary licenses, be and they hereby are revoked.

Whereas, Jose D. Sena, Clerk of the United States Supreme Court for the Territory of New Mexico has rendered to this court ~~an~~ an account for his official services from the 1st day of October, to the last day of December, A.D., 1906, both inclusive with items and vouchers thereof, in the presence of E. L. Medler, Assistant District Attorney, and has, by his oath, attached to the account, proved to the satisfaction of the court, that the services therein charged have been actually and necessarily performed, as therein stated, and

Whereas, said charges appear to be just and according to law.

It is Hereby Ordered, that the said account amounting to forty-four dollars and sixty cent be and the same hereby is approved It is hereby certified that upon each day for which per diem is charged in the account, the court was opened for business and the Judges present and presiding, except the following named days viz (none) on which the Supreme Court was opened and adjourned by the Clerks provided by section 584 R.S.U.S. and except on the following named days viz (none) on which the Supreme Court was adjourned upon a written order of the Chief Justice as provided by section 583 or 585 R. S. U. S., copies of which orders are hereto attached.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Jones
Chief Justice, etc.

Third Day, Friday, January 11th, A.D., 1907.

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1121	J.J. Hagerman, Roswell Land & Water Co. &)	)	Appeal from District Court Chaves County.
	The Pecos Valley Co. Appellants)		
	vs)		
	Altha Meeks, et al.,)		
	Appellees,)		

This cause coming on upon a motion for rehearing by appellees herein, and the court having had the said motion under advisement and being now sufficiently advised, denies and overrules the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied and overruled.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court and report here to the court that they find Mr. George U. McCrary a proper and suitable person to be admitted to the bar, and upon motion of W. C. Reid, Esq. It is considered ordered and adjudged by the court that Mr. Geo U. McCrary be and he hereby is admitted as an attorney, Solicitor and counselor of this court, upon his signing the roll and taking the oath of office, Whereupon the said Geo U. McCrary appeared in open court and took the oath prescribed by the rules and subscribed to the roll. It is further ordered by the court that the clerk of this Court issue to the said George U. McCrary a proper certificate of admission.

No. 1152	The Sterns Rogers Manufacturing Company)	)	Appeal from District Court Colfax County.
	et al Appellee,)		
	vs)		
	The Aztec Gold Mining & Milling Co.)		
	Appellant,)		

This cause coming on for hearing upon the transcript of record assignment of errors and briefs of counsel, is submitted to the court on briefs and leave hereby is granted to the appellee to file supplemental brief upon examination of the supplemental brief of appellant and if he so desires to make oral argument.

No. 1161	John Jenkins)	)	Error to District Court Colfax County.
	Plaintiff in Error,)		
	n vs)		
	The Maxwell Land Grant Company,)		
	Defendant in error,)		

This cause coming on for hearing upon the transcript of record assignment of errors and Briefs of counsel, comes now the defendant in error herein and presents here to this court a skeleton transcript of the record and moves the court for an affirmance of the judgment of the court below, for the reason that the plaintiffs in error have failed to perfect their writ of error within the time prescribed by the rules of this court and by statute, and the court being sufficiently advised in the premises, grants the said motion. It is therefore

considered and adjudged by the court that the judgment of the District Court in and for the County of Colfax, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that plaintiffs in error take nothing from this his action, and that the said defendants in error go hence without day: and it is further considered and adjudged by the court that the said defendants in error to have of and from defendant in error its costs in the District Court as well as in this court to be taxed for which let execution issue.

No.	The Mogollon Gold & Copper Co.	)	
1159	Plaintiff in Error,	)	
	vs	)	Error to District Court Socorro County.
	John E. Stout,	)	
	Defendant in Error,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. McMillen, Esq. for plaintiffs in error, and J.G. Fitch Esq. for defendant in error, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until Monday Morning at ten o'clock P. M.

William J. Miller
Chief Justice, etc.

Fourth Day, Monday, January 14th, A. D., 1907.

Court met pursuant to adjournment.

Present as Upon Saturday: Except E. L. Medler, U. S. Assistant Attorney for N.M. and R. C. Gortner Assistant Attorney General.

Record of Saturday's proceedings is read and approved.

No. 1169	Territory of New Mexico,	)	Appeal from District Court Roosevelt County.
		)	
	vs	)	
	Appellee,	)	
	Elmer L. Price,	)	
		)	
	Appellant,	)	

Now comes the Attorney General for the Territory of New Mexico, and introduces to this court Judge O. J. Pratt and Mr Frank Willis, who are hereby admitted to practice before this court for the purposes of this case.

No. 1166	Eduardo Chaves,	)	Appeal from District Court Bernalillo County.
		)	
	vs	)	
	Appellee,	)	
	John D. Torlina,	)	
		)	
	Appellant,	)	

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by Lowell Loughery, Esq for appellant and E. V. Chaves, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1166	D. M. Reade,	)	Appeal from District Court Dona Ana County.
		)	
	vs	)	
	Appellee,	)	
	Pilar S. de Lea	)	
		)	
	Appellant	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by N. C. Franger, Esq. for appellant and J. H. Paxton, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1169	Territory of New Mexico,	)	Appeal from District Court Roosevelt County.
		)	
	vs	)	
	Appellee,	)	
	Elmer L. Price,	)	
		)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Frank Willis Esq. for appellants, and W. C. Reid, Esq. for appellee, and the argument herein not being concluded this cause is hereby continued until tomorrow morning at ten o'clock A. M.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. ...
Chief Justice, etc.

Fifth Day, Tuesday January 15th, A. D., 1907.

Court met pursuant to adjournment

Present as upon yesterday.

Record of yesterday's proceedings is read and approved..

No.	Elbisa L. de Bergere,	)	
1180	vs	)	
	Luciano Chaves, et al.,	)	Appeal from District Court Santa Fe County.
	Appellants,	)	
	Appellee,	)	

Now come the appellants by A. B. Renehan, their attorney and move the court for sixty days further time within which to file the printed transcript, assignment of errors and briefs of counsel in said cause, and the court being sufficiently advised in the premises, grants the said motion, It is therefore considered and adjudged by the court that the appellants herein do have sixty days further time within which to file printed transcript, assignment of errors and briefs herein.

It is further ordered by the court that this cause be, and the same hereby is set for the August session of this Court.

No.	United States of America,	)	
1129	vs	)	
	Benito Mares, and Donaciano Santistevan	)	Appeal from First Judicial District Court.
	Appellants,	)	
	Appellees,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice W. H. Pope, Chief Justice Mills, and associate Justices Mann, Abbott & Parker, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the first Judicial District Court whence this cause came into this court, be and the same hereby is affirmed; and that in accordance therewith It is therefore considered and adjudged by the court that the said indictments against said appellees be and it is hereby quashed and the defendants and appellees, as to said indictment go hence without day, and the sureties on their bonds be and they are hereby discharged

No.	Territory of New Mexico,	)	
1145	vs	)	
	M. D. Minter,	)	Appeal from District Court Chaves County.
	Appellant,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and Associate Justices McFie, Parker and Abbott, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and

No. 1172 J. C. Cravens, Plaintiff in error,)
 vs) Error to District Court Otero County.
 R. H. Pierce, Defendant in Error)

This cause coming on before the court upon a motion and stipulation for a postponement and the court being sufficiently advised grants the said motion It is therefore considered and adjudged that this cause be and the same hereby is postponed for further hearing It is further ordered by the court that this cause be and the same hereby is set for hearing for February 25th, A. D., 1907.

No. 1173 United States of America, Appellant,)
 vs) Appeal from Fifth Judicial District.
 Benjamin H. Taldmage Appellees)

Now comes W. W. Gatewood and moves the court here for permission to withdraw as counsel for appellee in the above entitled cause for reasons expressed in the motion on file, It is therefore considered and adjudged by the court that Mr W. W. Gatewood be and he hereby is granted leave to withdraw as counsel herein for appellees.

No. 1186 Pecos Valley & Northwestern Ry Co. Appellant)
 vs) Appeal from District Court Chaves County.
 F. H. Harris, and J. J. Robinson Appellees)

Now comes W. W. Gatewood and moves the court for leave to withdraw as counsel herein for appellee and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged that W. W. Gatewood be and he hereby is granted leave to withdraw as counsel herein for appellees.

No. 1170 Ana Jaspar, Appellee,)
 vs) Appeal from District Court Bernalillo County.
 Mira M. Wilson, et al., Appellants,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Neill B. Field, Esq for appellants and Geo S. Klock Esq for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1191 United States of America, Appellant,)
 vs) Appeal from Fourth Judicial District.
 John Black Jim Black and John Murphy Appellants)

Now come John Black, Jim Black and John Murphy, the appellants in the above entitled cause by their attorneys E. V. Long and C. W. Ward, and move the court to docket their appeal herein and ask the court for an affirmance of the judgment of the court below, stating that they will no longer prosecute their said appeal, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court

that the judgment of the district court in and for the fourth Judicial District of the Territory of New Mexico, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is thereupon, ordered, considered and adjudged by the court, and it is the judgment and sentence of the court that the said defendants and appellants, John Black, James Black and John Murphy, be, and they hereby are remanded to the custody of the United States Marshal for the Territory of New Mexico, until such time as said Marshal can conveniently convey them the said defendants and appellants to the United States Penitentiary, situate at Leavenworth, State of Kansas, there to be delivered to the Warden thereof and in said Penitentiary they be confined and imprisoned for the full term of seven years, commencing with this date, as to each and every one of them, and that respective warrants of commitment issue in said cause against each and every one of them. It is further considered and adjudged by the court that the appellants herein pay the costs of this appeal, to be taxed, for which execution may issue.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miles

Chief Justice etc.

Sixth Day, Wednesday January 16th, A. D., 1907. . .

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1167	Mariano F. Sena	)	
	Plaintiff in Error,	)	
	vs	)	Error to District Court Santa Fe County.
	The American Torquoise Company	)	
	Defendant in error,	)	

It is ordered by the court that this cause, be and the same hereby is reset for the 25th day of February, A. D., 1907.

No. 1173 1153	Stringfellow & Tannehill a corporation	)	
	Appellee	)	
	vs	)	Appeal from District Court Chaves County.
	W. W. Petty,	)	
	Appellant	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills and Associate Justices, Parker Mann and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the said plaintiff and appellee do have and recover of and from the defendant and appellant the sum of one hundred and fifty one and 71/100 dollars, less the said rebate by plaintiff of \$2.44 to wit the sum of One hundred forty-nine and 27/100 dollars with interest thereon at the rate of ten (10) per cent per annum from said 24th day of October until paid, with all costs in this behalf expended to be taxed, for which let execution issue.

No. 1174	Willie E. Gammon	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Sierra County.
	Louis W. Galles,	)	
	Defendant in Error	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs for the plaintiff in error and Argued by M. B. Thompson, Esq. for defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1176	Territory of New Mexico	)	
	Appellant,	)	
	vs	)	Appeal from District Court Socorro County.
	Abran Abeytia,	)	
	Appellee,	)	

This cause coming on for hearing, upon the transcript of record, assignment of errors and

Briefs of counsel, is argued by R. S. Gortner, Esq. Assistant Attorney General, for the appellant, and H. M. Doughert, Esq. for the appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Smith

Chief Justice, etc.

Seventh Day, Thursday, January 17th, A. D., 1907.

Court met pursuant to adjournment.

Present as upon yesterday and W.H.H.Llewellyn U. S. Attorney.

Record of yesterday's proceedings is read and approved.

No.1177	Eagle Mining & Improvement Co.	)	
	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County
	Mary R. Hamilton, et al.,	)	
	Appellees.	)	
No.1178	H.B.Hamilton Jr. Adm. etc., et al.,	)	
	Appellees,	)	
	vs	)	Appeal from District Court Lincoln County.
	Eagle Mining & Improvement Co.	)	
	Appellant,	)	

This cause coming on upon a motion for a diminution of the record, and the parties here to having this day stipulated the matters for which a diminution was prayer, It is therefore considered and adjudged by the court that the motion for a diminution of the record herein be and the same hereby overrules, the motion for diminution and will consider as part of the record the matters contained in the stipulation this day filed.

No.1177	Eagle Mining & Improvement company	)	
	Appellant	)	
	vs	)	Appeal from District Court Lincoln County.
	Mary R. Hamilton, et al.,	)	
	Appellees	)	
No.1178	H.B.Hamilton, Jr. Adm. etc. et al.,	)	
	Appellees,	)	
	vs	)	Appeal from District Court, Lincoln County.
	Eagle Mining & Improvement Company	)	
	Appellant	)	

These cause coming for hearing upon the transcript of record, assignment of errors and Briefs of counsel, are argued by Geo W Prichard, Esq. for appellant, and J. G. Fitch, Esq for Appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.203	In Re, Chas E. Farrington	)	
	Admission to the Bar	)	

Now comes the Committee heretofore appointed for examination of applicants for admission to the bar of this court and moves the court that the temporary License of Mr Charles E. Farrington be re-instated, and that the same be extended until the 25th day of February, 1907 and the court being sufficiently advised in the premises, grants the said motion It is therefore considered and adjudged by the court that the Temporary License of Charles E. Farrington, be and the same hereby is extended until the 25th day of February, A. D., 1907.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and presents hereto the court that they find Messrs Edward P. Davies, William E. Goldman, and John A. Pace, proper and suitable persons to be admitted to the bar of

court, and upon motion of William O. Reid, Esq. it is considered and adjudged by the court that Messrs Edward P. Davies, William E. Goldman and John A. Pace, be and they hereby are admitted as solicitors, attorneys and counsellors of this court, upon their signing the roll and taking the oath of office, Whereupon Mr. John A. Pace, appears into open court and takes the oath of office and subscribes to the roll. It is further ordered and adjudged by the court that the clerk of this Court issue to the said Edward P. Davies, William E. Goldman and John A. Pace, a proper certificate of admission to the bar of this Court.

It is further ordered and adjudged by the court that Messrs William E. Goldman, and Edward P. Davies, do have until the 25th day of February within which time to appear and sign the roll and take the oath of office.

No. 1166 D. M. Reade, Appellee,)
vs)
Pilar S. de Lea, Appellant,)
Appeal from District Court, Dona Ana County.

Now comes D. M. Rede, appellee herein, by his attorney of record, Jas Hay Paxton Esq. and suggests hereto the court that on the 21st day of December, A.D., 1906, and during the pendency of this suit or appeal in this court, Pilar S. de Lea, named and heretofore acting as appellant herein, departed this life at Las Cruces, N. M., leaving as her only surviving heirs Theresa Arnett, Kattie Reade, Robert Lea, Mary Buquor and Aaron H. Lea, all being sons and daughters of said Pilar S. de Lea. Wherefore said Appellee, herein moves the Court that the said Theresa Arnett, Katie Reade, Robert Lea and Mary Baquor and Aaron H. Lea, be substituted as appellants herein in the place and stead of said Pilar S. de Lea deceased, and the Court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the said Theresa Arnett, Kattie Reade, Robert Lea, Mary Buquor and Aaron H. Lea, sons and daughters of Pilar S. de Lea, deceased, be and they hereby are substituted as parties appellants in this cause in and in the stead of the said Pilar S. de Lea, appellant, now deceased. It is further ordered and adjudged by the court that this order be and the same hereby is made nunc pro tunc as of the 14th day of January, A.D., 1907.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William Miller

Chief Justice, etc.

Eighth Day, Friday, January 18th, A. D., 1907.

Court met pursuant to adjournment

Present as upon Yesterday,

Record of yesterday's proceedings is read and approved.

Now comes Mr William E. Goldan, previously admitted to the Bar of this Court, and appears in open court and takes the oath of office as prescribed by the rules, and subscribes to the roll@

Now comes Ex-Chief Justice W@ B. Prince, and suggests here to the Court the death of Judge Joseph E. Gary, one of the original members of the bar of this Court, and a member of the Bar of New Mexico, under the Kearny Code Court, and since for over a quarter of a century a prominent judge in Chicago; and asked that the court appoint a committee to make a committee to draw a report to the court on the subject and the court being sufficiently advised in the premises, appoints the same committee heretofore appointed to prepare and present resolutions upon the death of Judge Tuley, and the court being sufficiently advised in the premises, it is so ordered.

No. 1101	Roman L. Baca, et al.,	)	
		)	
	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Santiago Anaya, et al.,	)	
		)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon the motion of appellees herein to quash the citation herein, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills, and Associate Justices McFie, Parker, Mann and Abbott, concurring, overruling the motion to quash for reasons stated in the opinion of the Court on file. It is therefore considered by the court that the motion of appellee, herein to quash the citation heretofore issued out of this court herein, be and the same is hereby overruled and denied.

No. 1132	Levi P. Thompson, et al.,	)	
		)	
	Appellants,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Maria Inez Garcia de Snyder,	)	
		)	
	Appellee	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court now being sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice McFie, Parker and Mann, concurring, reversing the judgment of the court below, and remanding this cause to the said court for further proceedings, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court with instruct

tions to proceed further herein in accordance with the opinion of the court in this cause.

No. 1150 W. R. Pillant,
 vs Appellant
 S. Grabfielder & Co. -
 Appellee.

Appeal from District Court, Chaves County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announced its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices Parker, McFie, and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee do have and recover of and from the appellant W. R. Pillant, the sum of one hundred and sixty one $\frac{85}{100}$ (\$161.85) dollars with interest thereon at six per cent per annum from the 21st day of October, A. D., 1903, until paid, and the costs of suit in the court below as well as in this court, to be taxed for which let execution issue.

No. 1181 Cutler & Neilson Paint & Color Co.))
 Appellant,)
 vs) Appeal from District Court Grant County.
 Orson C. Hinman, et al.,)
 Appellees,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is hereby ordered by the court that the appellees do have until Monday January 21st within which time to file their printed briefs herein.

Brown & Manzanaras Co.
 Appellee,
 vs
 Cassius G. Guise,
 Appellant

0
)
)
)
)
)

Appeal from District Court San Miguel County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by R. C. Gortner Esq. for appellant and A.T. Rogers, Jr, Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1183 Territory of New Mexico Appellee 0
vs)
L.A. Meredith, Appellant,)

It is ordered by the court that this cause be and the same hereby is set for hearing for February 25th, A.D., 1907.

It is ordered that the court do now adjourn until Monday Morning at ten o'clock A.M.

William Greaves.

Chief Justice

Ninth Day, Monday January 21st, 1907.

Court met pursuant to adjournment.

Present as upon yesterday

Record of Yesterday's proceedings is read and approved.

No.	Brown & Manzanares Co.	)	
1182	Cassius C. Guise	)	
	vs	)	Appeal from District Court San Miguel County
		)	
	Appellee,	)	
	Appellant,	)	

It is ordered by the court that the appellee herein do have twenty days from this date in which to file briefs herein, and that appellant do have ten days thereafter to reply.

No.	Territory of New Mexico	)	
1196	A. M. Boykin,	)	
		)	Appeal from District Court Roosevelt County.
		)	
	Appellee	)	
	Appellant,	)	

Now comes W. C. Reid Attorney General for New Mexico, attorney for appellee herein and presents here to the court a transcript of the record in the above entitled cause, and moves the court that this cause be ordered docketed and that the judgment of the court below be affirmed, and the court being sufficiently advised in the premises, grants the said motion: It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed, and it is further ordered by the court that the judgment of the district Court in and for the county of Roosevelt, whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith, It is ordered and adjudged by the court that appellant A. M. Boykin, be imprisoned in the Territorial Penitentiary situated at Santa Fe, New Mexico, for the full term of twelve years, and that he pay the costs of this prosecution to be taxed and that execution issue therefor and the sheriff of Roosevelt County is hereby ordered to deliver the said A.M. Boykin to the superintendent and warden of said penitentiary. And that the said superintendent or warden of said penitentiary confine the said A. M. Boykin in said penitentiary for the full term of twelve years from this date and that commitment issue therefor.

No.	United States of America,	)	
1173		)	
	vs	)	Appeal from Fifth Judicial District Court
	Benjamin H. Tallmadge et al.,	)	
	Appellants,	)	
	Appellees,	)	

It is ordered that this cause be and the same hereby is set for hearing for the first case on the 25th day of February 1907.

No.	United States of America,	)	
1184		)	
	vs	)	Appeal from Second Judicial District Court
	John Meyers alias John Mouse	)	
	Appellee	)	
	Appellant	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and

Briefs of counsel, is argued by Frank H. Moore, Esq, and appellants, and E. L. Medler, Esq. Assistant United States Attorney, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1045	United States of America,	)	Appeal from First Judicial District Court
		)	
	vs	)	
	Mariano F. Sena,	)	
	Appellant,	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for February 25th, 1907

Now comes the committee heretofore appointed to examine all applicants for admission to the Bar of this court, and report here to the court that they find Mr A. V. Logan, a proper and suitable person to be admitted to the bar of this Court, and upon motion of W. C. Reiff, Esq. It is ordered and adjudged by the court that Mr A. V. Logan, be and he hereby is admitted as an Attorney, Solicitor and Counsellor of this court upon his taking the oath of office and subscribing to the roll. Whereupon the said A. V. Logan, appeared in Open Court and was duly sworn and subscribed to the roll.

It is ordered that the court do now adjourn until Monday the 25th day of February A.D. 1907 at ten A. M.

William J. Smith

Chief Justice etc.

Tenth Day, Monday February 25th, A. D., 1907.

Court met pursuant to adjournment.

Present Honorable William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope, Associate Justice,

Honorable Edward A. Mann, Associate Justice

Honorable Ira A. Abbott, Associate Justice.

W. H. H. Llewellyn, United States Attorney,

David J. Leahy, Assistant United States Attorney

O. M. Foraker, United States Marshal, by H. F. Bogh Deputy,

W. C. Reid, Attorney General,

Jose D. Sena, Clerk.

Record of proceedings of January 21st, were read and approved.

It is ordered by the court that C. F. Abreu Be and he hereby is appointed crier for the present session of the court and he thereupon appeared in open court and was duly sworn as such

No.	Brown & Manzanares Co.		)	
1182		Appellee,	)	
	vs.		)	Appeal from District Court San Miguel County
	Cassius C. Guise		)	
		Appellant	)	

It is ordered by the court that the appellant herein do have until the first day of April 1907 within which time to file additional briefs herein, and the appellees have ten days there after to reply.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court and reports here to the court that they find Messrs W. O. Young, J. G. Osburn Ed. S. Gibbany and Fred H. Ayers, proper and suitable persons to be admitted to the bar of this court and upon motion of W. C. Reid, Esq. It is ordered and adjudged by the court that Messrs W. O. Young, J. G. Osburn, Ed. S. Gibbany and Fred H. Ayers, be and they hereby are admitted as attorneys, solicitors and counsellors of this court, upon their signing the roll and taking the oath of office, and the clerk of this court hereby is directed to issue to the said named persons a proper certificate of admission. Whereupon Messrs W. O. Young, J. G. Osburn Ed. S. Gibbany and Fred H. Ayers and Mr Geo F. Bruington appeared in open court and were duly sworn and subscribed to the roll.

No.	United States of America		)	
1173		Appellant	)	
	vs		)	Appeal from 5th Judicial District Court
	Benjamin H. Tallmadge et al.,		)	
		Appellees	)	

It is ordered by the court that this cause be and the same hereby is reset for the August session of this court.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills and Associate Justices Pope, Mann and Abbott concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Socorro, whence this cause came into this court, be and the same hereby is affirmed. and that in accordance therewith it is hereby ordered and adjudged by the court that the said appellant Felix Gonzales, be remanded to the custody of the sheriff of Socorro County and by him safely kept until such time as he, the said sheriff can conveniently convey him the said Felix Gonzales to the city of Santa Fe, in the Territory of New Mexico. That he, the

said sheriff then and there deliver the said Felix Gonzales to the Superintendent of the Penitentiary located in the said City and Territory aforesaid, or his duly authorized agent, and the said Felix Gonzales, be by the said Superintendent therein confined at hard labor for the full term of three years from and after this date.

And it is further ordered by the court and it is the further judgment and sentence of the court that the said Felix Gonzales pay the costs of this proceedings to be taxed, and that he stand committed until such costs are fully paid, and that commitment issue out of this court for the said Felix Gonzales.

No.	Frederick E. Hyde Jr.,	)	
1137	vs	)	
	James E. Elmer, sheriff etc.,	)	Appeal from District Court San Juan County
	Appellant,	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mann, Chief Justice Mills and Associate Justices Parker Pope and Abbott concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Juan whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged and decreed by the court that the said Plaintiff and appellee Frederick E. Hyde Jr do have and recover of and from the said Defendant ~~El~~ J. E. Elmer Sheriff &c. the full sum of seven hundred dollars the amount of damages as rendered by the verdict of the jury together with the costs to be taxed in said cause and that execution may issue for the same.

No.	Marieta P. Whetherhill,	)	
1138	vs	)	
	James E. Elmer, Sheriff etc.,	)	Appeal from District Court San Juan County.
	Appellant	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and associate Justices Parker Pope and Abbott, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of San Juan whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that said Plaintiff and appellee, Marietta P. Wetherill do have and recover of and from the said defendant and appellant James E. Elmer, Sheriff etc, the full sum of four hundred dollars the mount of damages as rendered by the verdict of the said jury, together with costs to be taxed in said cause as well as the cost of this court to be taxed for which let execution issue.

No. 1176 Territory of New Mexico, Appellant,)
 vs) Appeal from District Court Socorro County
 Abran Abeyta, Appellee,)

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills Associate Justices McFie, Mann, Pope, and Abbott, concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Socorro, whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the indictment against the said appellant be and the same hereby is quashed.

No. 1181 Outler & Neilson Paint and Color Co., Appellant,)
 vs) Appeal from District Court Grant County.
 Orson C. Hinman and Earnest L. Oakes, Appellees,)

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice W. H. Pope, Chief Justice Mills and Associate Justice McFie, Mann and Abbott, concurring, dismissing the appeal herein for reasons stated in the opinion of the court below. It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is dismissed.

No. 1194 Territory of New Mexico, Appellee,)
 vs) Appeal from District Court Sierra County.
 Jessie Kimmick Appellant,)

It is ordered by the court that this cause be and the same hereby is set for hearing for the august 1907 session of this court.

No. 1101 Roman L. Baca, et al. Plaintiffs, Filomena)
 Perea de Otero et al., Intervenors,)
 vs) Appeal from District Court Bernalillo County.
 Santiago Anaya, et al., Appellants,)
 Appellees,)

Now comes A. B. McMillen attorney for appellees herein and moves the court on behalf of A. L. Richardson, A. B. McMillen, and Josua S. Reynolds, to be dismissed from this out of this cause, is argued by counsel, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1147 In the Matter of)
 Benhard Myer) Appeal from District Court Bernalillo County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court having had the same under advisement and being now sufficiently advised in the premises announces its decision by Chief Justice

Mills Associate Justices Pope, McFie, Mann and Parker concurring affirming the judgment of the court below for reasons stated in the opinion of the Court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for Bernalillo whence this cause came into this court be and the same hereby is affirmed.

No.	Mariano F. Sena,	)	
1167	Plaintiff in error,	)	
	vs	)	Error to District Court San Miguel County.
	American Torquoise Company	)	
	Defendant in error,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. W. Clancy, Esq. for Plaintiff in error, and Matt G. Reynolds Esq and S. B. Davis Jr. Esq. for defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourned until tomorrow morning at ten o'clock A. M.

William J. Jones

Chief Justice etc.

Eleventh Day, Tuesday, February 26th, A. D., 1907.

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No.1195 United States of America,)
Appellee,)
vs) Appeal from District Court First Judicial Dist.
Jesua Maria Medina,)
Appellant,)

This cause coming on before the court upon the motion of appellee herein for a dismissal of the appeal herein, is argued by D. J. Leahy Assistant United States Attorney, for appellee, and By A. B. Renchan, Esq and T. B. Catron, Esq. for appellant, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No.1171 J. C. Cravens,)
Plaintiff in Error,)
vs) Appeal from District Court Otero County.
R. H. Pierce Company,)
Defendant in error,)

No.1172. J. C. Cravens,)
Plaintiff in error)
vs) Error to District Court Otero County.
R. H. Pierce formerly engaged in business)
as S.H. Pierce & Co. Defendant in error,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, was submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement. It is ordered by the court that the appellee herein or Defendant in error do have thirty days from this date within which to file briefs.

No.1183 Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court Union County.
L. A. Meredith)
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

In Re, Thomas D. Penry,)
Admission to the Bar,)

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and suggests to the court that Mr T. D. Penry an applicant for admission to this bar has informed the committee of his inability of being present at the present session and begs that this court will extend his time for so appearing and the committee being satisfied of the reasons suggests to the court that an extension be granted It is therefore considered and adjudged by the court that the time of T. D. Penry for appearing before this court be extended until the August session until which time his temporary license is hereby extended.

No. 1190 J M. Sandoval, Appellee)
vs Geo. F. Albright Appellant) Appeal from District Court Bernalillo County)

This cause coming on for hearing, upon the transcript of record, assignment of errors, and briefs of counsel, is argued by W. B. Childers, Esq. for appellant, and Neill B. Field, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Jones
Chief Justice, etc.

Twelfth Day, Wednesday, February 27th, A.D., 1907.

Present as upon yesterday

Court met pursuant to adjournment

Record of yesterday's proceedings is read and approved.

No.1101 Roman L.Baca, et al, Plaintiffs Filomena)
Perea de Otero, Intervenor et al)
Appellants,)
vs) Appeal from District Court Bernalillo County
Santiago Anaya, et al.)
Appellees)

This cause coming on before the court upon the motion of appellees herein to be dismissed from this appeal, and the court having had the said motion under advisement and being fully advised in the premises, denies the same, and grants the appellees herein 30 days from this date to file Brifes, It is therefore considered and adjudged by the court that the motion of appellees herein to be dismissed from this appeal, be and the same hereby is overruled, and the appellees are hereby granted thirty days from this date within which to file printed briefs and appellant ten days thereafter to reply.

No.1195 United States of America,)
Appellee)
vs) Appeal from First Judicial District Court.
Jesus Maria Medina,)
Appellant)

This cause coming on before the court upon the motion of appellee herein to dismiss the appeal herein, and upon the motion of appellant for further time within which to file briefs and for a diminution of the record, and the court having had said motiond under consideration and being now fully advised in the premises, overrules the motion of appellee to dismiss and grants the motion for a diminution of the record and for further time within which to file briefs It is therefore considered and adjudged by the court that the motion of appellee herein for a dismissal of the appeal be and the same hereby is overruled and denied. It is further ordered by the court that the diminution of the record gasked for by the said appellant be and the same hereby is granted and that the said appellant do have thirty days from the date hereof to file printed priefs.

No.1201 In the matter of the charged against)
W. J. Hittson,)
member of the bar of this Court) Information.

Whereas, the attorney General of New Mexico, with members of the committee on grivien-ces of the Bar Association of New Mexico, in open court, presented to the Court, an informa-tion in writing, supported by affidavit, against W. J. Hittson, a member of the bar of this Court, containing charges and specifications to the effect that he, the said W. J. Hittson, has been guilty of unprofessional conduct, and should be disbarred and denied the right to

practice law in the courts of record in this Territory;

Now, Therefore, it is hereby ordered that said information be received by the court, and that it be filed by the clerk and docketed as a case in this court, that Messrs A.B. Renehan, S. B. Davis, Jr. and George S. Klock, be and they hereby are appointed as a committee to take charge of the prosecution of said case, in conjunction with the Attorney General; that certified copies of said information, affidavit and this order, be served by the Marshal of the Territory of New Mexico, on the said W.J. Hittson in person, if found, and if not found, then by delivering said copies to some person over the age of fifteen years, residing at the usual place of abode of said W. J. Hittson, such service to be made within thirty days from this date the 27th day of February, 1907, that said W. J. Hittson be required to file, with the clerk of this court, on or before the first day of June, 1907, his answer to said information, copies of said answer immediately thereafter to be furnished by said Clerk to said Attorney General and each member of said committee; that this cause be, and it hereby is set for trial on the twenty-sixth day of August, 1907; and that the clerk of the Court be authorized to issue Subpoenas for witnesses, returnable on said day, as he may be directed by either the Attorney General or said committee, or by or for defendant.

(Signed)

William J. Mills,

Santa Fe, N.M. Feby 27, 1907.

Chief Justice etc.

No.	Noa Ilfeld et al.,	)	
1028	vs	)	Appeal from District Court Bernalillo County.
	Ramona L. de baca, et al.,	)	
	Appellants,	)	
	Appellees	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a rehearing, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice William J. Mills, and Associate Justices Parker, McFie, and Pope, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the complaint of plaintiffs and appellants be and the same hereby is dismissed, and that the plaintiffs take nothing, and that the defendants recover from the plaintiffs their costs to be taxed, and that they have execution therefor.

No.	Alexander M. Hendry,	)	
1069	Plaintiff in Error	)	Error to District Court Santa Fe County
	vs	)	
	H. B. Cartwright,	)	
	Defendant in Error	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice, Mills and

No. 1074

Appellee.

Appeal from District Court Chaves County.

Nos.
1105-6

VS

Appellee & Defendant in Error,

Appeal from & Error to Dist Court Grant County.

These causes having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills and associate Justices McFie, Abbott and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Grant, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered, ordered and adjudged by the court that the plaintiff and appellee is entitled to the possession of all that portion of the Slip lode mining claim, situate in the Central City Mining District, County of Grant and Territory of New Mexico, which is intersected by the exterior lines of the James Pinder lode mining claim, which portion so intersected is described as follows, to wit:- Beginning at the Northwest corner of said Slip lode mining claim, whence the corner common to Sections 27, 28, 33, and 34 of Township 17 South of Range 14 West of the New Mexico Principal

Meridian bears North 44 Degrees, 0 minutes West, 988.8 feet distant; thence North 85 degrees 21 minutes West, 1422.1 feet to corner No 5 of said James Binder lode mining claim; thence South 28 degrees, 57 minutes East, 376 feet to intersection of said South side line of said Slip lode mining claim; thence South 63 degrees, 13 minutes West, 490.89 feet to an angle corner in South side line of said Slip Lode mining claim; thence South 83 degrees, 52 minutes West 872.8 feet to Southwest corner of said Slip lode mining claim; thence North 28 degrees 57 minutes West 600 feet to the Northwest corner of said Slip lode mining claim, the place of beginning containing 16.217 acres. It is further considered, ordered and adjudged by the Court here that the said plaintiff do have and recover of from and against the said appellant and Plaintiff in error, the possession of the said premises, and that he do have his writ thereof, and that he do have and recover of and from the appellant and plaintiff in error his costs in this behalf expended to be taxed and that he have execution therefor.

No.	Territory of New Mexico, ex rel Bird S. . .)	
1122	Coler and E. Chapman, Appellees)	
1123	vs)	Appeal from District Court Santa Fe County.
	The Board of Co. Commissioners Santa Fe Co.)	
	Appellant,)	

Thesecauseshaving been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Mills, and Associate Justices Mann & Abbott, concurring, modifying the judgmentsof the court below and as so modified affirming the same, for reasons stated in the opinion of the Court on file; It is therefore considered and adjudged by the court that the judgment of the district court be so modified as to sustain the peremptory writs for the lecy of the two ten mills levies for each year until the interest accruing on the said judgments since the rendition of the said judgments on September 24, 1900, is paid, and that as so modified the judgment of the said district Court in and for the county of Santa Fe, whence thesescauses came into this court are hereby affirmed:

No. The Territory of New Mexico,
1127 Appellant,
 vs)
John Mills, et al., Appeal from District Court Eddy County.
 Appellees,)

This cause having been argued by counsel, and submitted to and taken under advisement on a previous day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and Associate Justices Parker, McFie, and Abbott, concurring, reversing the judgment of the court below and remanding the cause for further proceedings. for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Eddy, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court for further proceedings. It is further ordered and adjudged that the appellant herein to have and recover of and from appellee its costs in this behalf expended to be taxes for which execution may issue.

No. 1128

The Territory of New Mexico

Appellee,

vs

Rosario Emilio

Appellant,

Appeal from District Court Lincoln County

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Parker, Chief Justice Mills and Associate Justices McFie, Pope and Abbott, concurring, affirming the judgment of the court below, and fixing the 22nd day of March for the date of execution, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered, ordered and adjudged and it is the sentence of the court, that the said appellant Rosario Emilio be remanded to the custody of the sheriff of Lincoln County New Mexico, and that he, the said Rosario Emilio, appellant, be by the said Sheriff safely and securely confined in the county jail of the said Lincoln County, until Friday, the twenty-second day of March, A. D., 1907, that on the said twenty-second day of March, A.D. 1907, the said Rosario Emilio appellant, within an enclosure within the jail yard at Lincoln, in said Lincoln County, Territory of New Mexico, between the hours of nine o'clock of the forenoon of said twenty second day of March, A.D., 1907, and four o'clock of the Afternoon of said twenty-second day of March, A.D., 1907 in the presence of twenty persons to be selected by said Sheriff of Lincoln County, New Mexico, and to be approved by the Judge of this Court, he the said Rosario Emilio Appellant, be by the said Sheriff of said Lincoln County, hanged by the neck until he be dead.

No. 1131

Peter Kitchen

Appellee,

vs

George Schuster,

Appellant,

Appeal from District Court McKinley County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills and Associate Justices Parker, McFie and Mann, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of McKinley, whence this cause came into this court, be and the same hereby is reversed. It is further ordered by the court that the said appellant, do have and recover of and from the appellee herein his costs in said behalf expended to be tax for which let execution issue.

MNo.
1144

Perfecto Armijo,

vs

Appellee,

J. A. Henry.

Appellant,

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills and Associate Justices Parker, McFie, and Pope, concurring reversing the judgment of the district court and entering a judgment in this court in accordance with the opinion of the court, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the court within and for the County of Bernalillo where this cause came into this court, be and the same hereby is reversed and that a judgment be entered herein in accordance with the opinion heretofore filed. It is therefore considered and adjudged by the court that the said appellants J. A. Henry, and A. C. Henry, do have and recover of and from the said appellee Perfecto Armijo and Febronia G. de Armijo, the sum of Eleven Thousand One Hundred and three and 09/100 dollars (\$11,103.09) the amount due on the twenty seventh day of February A.D., 1907, It is further ordered and adjudged by the court that

the following described property be and the same hereby is made a lien on same for the payment of said judgment as follows to wit: The west half of block seven (7) of the Francisco Armijo y Otero addition to the town of Albuquerque New Mexico, as shown on a plat made by Peter Bianchi C.E. and filed in the office of the probate clerk and ex officio recorder of Bernalillo county N. M. on March 10, 1881 and more particularly described as follows: Commencing at the southwest corner of said block seven (7), which is the northwest corner of Tijeras road and second street, thence north along the east line of Second street two hundred feet more or less, to the south side of Carroll Avenue; thence east one hundred and forty two (142) feet to west side of alley running north and south through said block thence south along said alley two hundred and fifty feet more or less, to the north side of Tijeras Road, thence north westerly along north side of Tijeras road one hundred and fifty (150) feet more or less to place of beginning, being the same property described in the three trust deeds hereinbefore mentioned. Now if the said Perfecto Armijo and wife or Alfredo J. Otero or some one for them shall pay the said sum of eleven thousand one hundred and three dollars and nine cents with interest thereon as provided by law, the said property shall stand free and discharged as the property of said Alfredo J. Otero, from the lien of said three trust deeds and indebtedness secured thereby including taxes, insurance and repairs as heretofore found; that should default be made in the payment of said amounts within three months from this date be made by said parties, then said trust deeds shall stand foreclosed, and said property shall be sold by

who is hereby appointed as special master for that purpose, after due notice of the time, place and terms of sale published for four successive weeks in some newspaper published in the County of Bernalillo, to the highest and best bidder for cash, and the proceeds of said sale shall be applied first to the costs of said sale, then to the

interest due upon said indebtedness from the twenty seventh day of February A. D., 1907 at the rate of twelve per cent per annum on the total amount as found and then to attorneys fees and the balance if any to the principal indebtedness, and if there should be a residue the same to be paid to the said Alfredo J. Otero, and the said master shall report his doings hereunder to this court for approval before said sale shall become effective; and shall report the deficiency if any, which deficiency shall be docketed as a judgment against said Perfecto Armijo and Febronia G. de Armijo his wife, and that execution may issue.

No. 1154 Southern Car Manufacturing Co.
 Appellants,
 vs
Warren Wagener, Appellee,

Appeal from District Court Chaves County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices McFie, Parker and Pope, concurring reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court, be and the same hereby is reversed. It is further ordered and adjudged by the court that the said appellants do have and recover of and from appellee his costs in this behalf expended to be taxed, for which let execution issue.

In Re Admissions to the Bar:

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and report here to the court that they find Messrs Andrew B. Stroup and Chas E. Farrington proper and suitable persons for admission to the bar of this court, and upon motion of W. C. Reid, Esq. It is ordered by the court that the said Andrew B. Stroup and Chas E. Farrington, be and they hereby are admitted as attorneys, solicitors and counselors of this court upon their signing the roll and taking the oath prescribed by the rules. It is further ordered by the court that the clerk of this court issue to the said Andrew B. Stroup and Chas E. Farrington proper certificates of admission. Whereupon the said Andrew B. Stroup and Chas. E. Farrington, appeared in open court and took the oath prescribed by the rules and subscribed to the roll.

No. 1137 Frederick E. Hyde, Jr., Appellee,
vs
James E. Elmer, Sheriff, et al? Appellant
Appeal from District Court San Juan County.

This cause having been decided by this court on a former day of this court and an order of affirmance having been entered wrongfully thereon, It is ordered by the court that an order nunc pro tunc be now entered affirming the judgment of the district court upon

filing with the clerk of this court of a remittitur of six hundred and ninety-nine (\$699.00) dollars by the said appellee otherwise reversing the said judgment, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of San Juan be and the same be hereby is affirmed upon the filing of a remittitur, by appellee, with the clerk of this court in the sum of six hundred and ninety-nine dollars otherwise the judgment of the said district court is hereby reversed.

No.	Marietta P. Weatherill	)	
1138	vs	)	
	James E. Elmer, Sheriff etc.	)	Appeal from District Court San Juan County
		)	
	Appellant	)	

This cause having been decided by this court upon a former day of this term and a judgment of affirmance having been wrongfully entered therein, It is ordered by the court that a nung pro tunc order or judgment be now entered in accordance with the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Juan, be and the same hereby is affirmed, upon the filing by appellee, with the clerk of this court of a remittitur of three hundred and ninety-nine (\$399.00) dollars, otherwise the judgment of the said district Court hereby is reversed.

No.	Levy P. Thompson et al.,	)	
1132	vs	)	
	Maria Ines Marcia de Snyder,	)	Appeal from District Court Bernalillo County.
		)	
	Appellee,	)	

It is ordered by the court that the mandate herein to be issued in the above entitled cause, be and the same hereby is suspended until the further order of this court.

No.	United States of America,	)	
1129	vs	)	
	Benito Mares and ~~Sanchez~~ Santistevan,	)	Appeal from First Judicial District Court.
		)	
	Appellees,	)	

Now comes the United States of America, by her district Attorney, W. H. H. Llewellyn and moves the court for an appeal from the judgment of this court to the Supreme Court of the United States of America, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

No.	Peter Kitchen	)	
1131	vs	)	
	George Shuster	)	Appeal from District Court McKinley County
		)	
	Appellant	)	

It is ordered by the court that appellee do have twenty days from this date within which time to file motion for a rehearing herein.

It is ordered that the court do now adjourn until the 26th day of August, A.D., 1907 at ten A. M.

Chief Justice etc

Thirteenth Day, Monday, August 26th, A.D., 1907.

Court met pursuant to adjournment:

Present Honorable William J. Mills, Chief Justice
 Honorable John R. McFie, Associate Justice
 Honorable Frank W. Parker Associate Justice
 Honorable Edward A. Mann, Associate Justice
 Honorable Ira A. Abbott, Associate Justice
 W. H. H. Llewellyn, United States Attorney
 E. L. Medler, Assistant U. S. Attorney
 Robert C. Gortner Assistant Attorney General
 G. M. Foraker, United States Marshall by J. W. Collier, Deputy
 Jose D. Sena, Clerk.

Record of Wednesday February 27th was read and approved.

It is ordered by the court that Chas F. Abreu Be and he hereby is appointed as Crier for the present session of the court, where upon he appeared in open court and was duly sworn as such.

It is ordered by the court that Messrs George S. Klock, W. H. H. Llewellyn, Albert T. Rogers Jr and J. E. Wharton act with the members of the standing committee for the examination of applicants for admission to the bar, Messrs R. C. Gortner and Geo W. Prichard.

No. 1187 Alex McKinzie, Appellant
 vs John King, Appellee,
 Appeal from District Court Union County.

This cause coming for hearing on the transcript of record and briefs of counsel and assignment of errors, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is further ordered by the court that the appellant herein do have twenty days from this date within which to file his briefs herein and the appellee therein thirty days within which to reply

No. 1193 Territory of New Mexico Appellant
 vs C. C. Lotspeich Appellee,
 Appeal from District Court Bernalillo County

It is ordered by the court that this case be and the same hereby is continued for the term.

Territory of New Mexico,)
 No.1194 vs Appellee,)
 Jessie Kimmich,) Appeal from District Court Sierra County
 Appellee,)

It is ordered by the court that this cause be and the same hereby is continued for the term.

United States of America)
 No.1195 vs Appellee,)
 Jesus Ma. Medina) Appeal from District Court First Judicial Dist.
 Appellant,)

It is ordered by the court that this cause be and the same hereby is continued for the term.

Eagle Mining & Improvement Company)
 Plaintiff in Error,)
 No.1197 vs) Error to District Court Chaves County.
 Robert E. Lund,)
 Defendant in error)

It is ordered by the court that this cause be and the same hereby is continued for the term.

Jessie Kimmick)
 Plaintiff in Error,)
 No.1198 vs) Error to District Court Sierra County.
 Territory of New Mexico)
 Defendant in error,)

It is ordered by the court that this cause be, and the same hereby is continued for the term

Solomon Luna,)
 Plaintiff in Error,)
 No.1055 vs) Error to District Court Santa Fe County.
 Cerrillos Coal Railroad Company)
 Defendant in error,)

It is ordered by the court that this cause be, and the same hereby is continued for the term.

Puritan Manufacturing Company,)
 Appellant,)
 No.1200 vs) Appeal from District Court Bernalillo County
 Toti & Gradi,)
 Appellant)

It is ordered by the court that this cause be, and the same hereby is continued for the term.

Richard DI Palma and Bernard Ruppe,)
 Appellees,)
 No. 1205 vs) Appeal from District Court Bernalillo County
 J. A Weinman and Joseph Barnett,)
 Appellants,)

It is ordered by the court that this cause be, and the same hereby is continued for the term.

No. 1204 J. M. Sandoval, Appellee,
vs George F. Albright, Appellant,
Appeal from District Court Bernalillo County

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Territory of New Mexico
 No. 1207 vs Victor Telles,
 Appellee,
 Appellant,
 Appeal from District Court Bernalillo County

It is ordered by the court that this cause, be and the same hereby is continued for the term.

Territory of New Mexico,)
Appellee,)
No. 1214 vs) Appeal from District Court Guadalupe County.
Tom Caldwell and Lee Caldwell)
Appellant,)

It is Ordered by the court that this cause be, and the same hereby is confirmed for ~~th~~
the term.

No. 1101 vs)
Raman L. Baca et al., Plaintiffs, Filome@) Appeal from District Court Bernalillo County
na Perea de Otero et al? intervenors)
Appellants,)
Santiago Anaya et al.,)
Appellees,)

This cause coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No 1201 In Re)
 W. J. Hittson) D i s b a r m e n t
 Member of the Bar)

It is ordered by the court that the argument on the demurrer herein be, and the same hereby is set for hearing for tomorrow morning at ten o'clock A. M.

United States of America)
Appellee,)
No. 1173 vs)
Benjamin H. Tallmadge et al.,)
Appellees.)
Appeal from Fifth Judicial District

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by E.L. Medler, Esq. for the appellant and R. C. Gortner Esq. for the appellees and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

Thirteenth

Day,

Monday August 26th,

A. D.

1907

United States of America,)
No. 1045) Appellee,)
Mariano F. Sena, vs) Appeal from First Judicial District
Appellant,)

This cause coming on to be heard upon the motion of appellee herein to strike the bill of exceptions from the files, is argued by E. L. Medler, Esq. for appellee, and John H. Knabel for appellant, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do not adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller

Chief Justice, etc.

Fourteenth Day, Tuesday August 27th, A. D., 1907

Court met pursuant to Adjournment

Present as upon yesterday and Honorable Wm. H. Pope, Associate Justice.

Record of yesterday's proceedings read and approved.

No. 1074 City of Rowell,)
Appellant,)
vs) Appeal from District Court Chaves County.
Thomas M. Davenport,)
Appellee,)

This cause having come before the court upon the motion of appellant for a rehearing herein, and the court having had said motion under advisement, and being now sufficiently advised in the premises, denies the same, It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein, be and the same hereby is denied

No. 1137 Frederick E. Hyde, Jr?)
Appellee,)
vs) Appeal from District Court San Juan County
James E. Elmer, Sheriff)
Appellant,)

This cause coming on before the court upon the motion of appellant for a rehearing herein, and the court having had the same under advisement and being now sufficiently advised in the premises, denies the same, It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

No. 1138 Mariatte P. Wetherill)
Appellant)
vs) Appeal from District Court San Juan County.
James E. Elmer, Sheriff)
Appellant,)

This cause coming on before the court upon the motion of appellant for a rehearing herein and the court having had the said motion under advisement, and being now sufficiently advised in the premises, denies the same, It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

No. 1161 John Jenkins,)
Plaintiff in error)
vs) Appeal from District Court Colfax County.
The Maxwell Land Grant Co. et al.)
Defendant in error)

This cause coming on before the court upon a stipulation of the attorneys herein in the above entitled cause, that the order of affirmance herein heretofore entered be vacated and that the plaintiff in error do have until the first Day of April to perfect their transcript of record herein, as of the 30 day of January Now therefore it is ordered by the court, Nunc Pro Tunc that the order of affirmance heretofore entered be vacated and that the plaintiff in error do have until the 1st day of April to perfect their transcript of record and that this order be now entered nunc pro tunc as of the 30th day of January 1907

In Re
No. 1201 W. J. Hittson)
 Member of the Bar of this court) D i s b a r m e n t

It is ordered by the court that the argument on the demurrer herein be and the same here by is re-set for hereing for tomorrow morning at ten o'clock A. M.

No. 1211 Territory of New Mexico)
 vs Appellee,)
Geo B. Woodward, et al.,) Appeal from District Court Bernalillo County
 Appellants,)

It is ordered by the court that this cause be and the same hereby is continued until the next term of this court.

No. 1186 Pecos Valley & Northeastern Ry Co.)
 vs Appellant,)
F. H. Harris, et al.,) Appeal from District Court Chaves County
 Appellees)

This cause coming on before the court upon the transcript of record, assignment of errors and brief of counsel is argued by W. C. Reid, Esq. for appellant, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1199 James M. Cowles,)
 vs Appellees,)
James J. Hagerman) Appeal from District Court Chaves County.
 Appellant,)

This cause coming on before the court upon the transcript of record assignment of errors and briefs of counsel, is argued by W. C. Reid, Esq. for appellant, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

In Re
Admissions to the Bar

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court and presents hereto the court that they find Henry G. Coors Jr., John W. Wilson, Thomas K. D. Maddison, Morgan O. Llewellyn and Harry S. Boman, proper and suitable persons to be admitted to the Bar of this court, and upon motion of Robert C. Gortner Esq. It is ordered by the court that the said Henry G. Coors, Jr, John W. Wilson, Thomas K. D. Maddison, Morgan O. Llewellyn and Harry S. Boman, be and they hereby are admitted as attorneys, solicitors and counsellors of this court, upon their signing the roll of attorneys and taking the oath prescribed by the rules of this court, Whereupon the said Henry G. Coors, Jr, John W. Wilson, Thomas K. D. Maddison, Morgan O. Llewellyn and Harry S. Bowman, appeared in open court and were duly sworn and subscribed to the roll? It is further ordered by the court that the clerk of this court issue to the said Named persons a proper certificates of admissions upon their further complying with the requirements of the rules of this court.

No. 1180

Eloisa Luna de Bergere et al.,
Appellees
vs
Luciano Chaves et al.,
Appellants

Appeal from District Court San Ta Fe County

Upon motion of the parties herein both appellants and appellees and pursuant to stipulation contained in the transcript in this cause, it is ordered that the clerk of the District court of the county of Santa Fe, in the first Judicial District of the Territory of New Mexico, whence this cause comes into this court, do at once send up to this Court, the original Plaintiff's Exhibit No. 24, and the original Defendant's Exhibit No. 5, for use upon the hearing of this cause.

No. 1206

Territory of New Mexico,
Appellee,
vs
Manuel Sanchez y Sanchez
Appellant,

Appeal from District Court Torrence County

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel is argued by Geo W. Prichard, Esq. for appellant and F. W. Clancy, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William J. Mills

Chief Justice etc.

Fifteenth Day Wednesday August 28th, A. D., 1907

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No.
1142

Territory of New Mexico

Appellee,

v8

Joshua P. Church

Appellant

Appeal from District Court Chaves County

---This cause having been argued by counsel and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice John R. McFie, Chief Justice William J. Mills, and Associate Justices Parker, Abbott and Mann, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the said appellant Joshua P. Church do make a fine to the Territory of New Mexico in the penal sum of \$50 lawful money of the United States and that he pay the costs of this prosecution to be taxed, and that he stand committed until such fine and costs are paid."

No.
1151

George R. Beasley

Appellant

v8

James T. Hancock

Appellee

Appeal from District Court Dona Ana County

This cause having been argued by counsel, submitted to the court and taken under advisement by the court upon a former day of the present term, and the court having had the same under advisement and being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice Mills, and Associate Justices Abbott, Pope and McFie, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Dona Ana, whence this cause came into this court be, and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the said appellee do have and recover of and from the appellant George R. Beasley the sum of Three hundred and seventy-five dollars together with costs to be taxed and that he have execution therefor.

NNo.
1159

The Mogollon Gold & Copper Co.

Plaintiff in Error,

v3

John E. Stout

Defendant in error,

Appeal from District Court Socorro County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court having had the same under ad-

visement and being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pope, Mann, Abbott, and McFie, concurring, affirming the judgment of the court below and remanding this cause to the District Court with directions to execute the judgment as amended, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Socorro, whence this cause came into this court in the name of the Mogollon Gold and Copper Mining Company be affirmed in the name of The Mogollon Gold and Copper Company, and that this cause be remanded to the said District Court in and for the County of Socorro, with directions to execute the judgment as amended.

No. 1169	Territory of New Mexico	)	
	Appellee,	)	
	vs	)	Appeal from District Court Roosevelt County
	Elmer E. Price,	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court having had the same under advisement, announces its decision by Associate Justice Abbott, Chief Justice W. J. Mills and associate Justices Parker, Mann and McFie concurring affirming the judgment of the district court for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Roosevelt, whence this cause came into this court be, and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the appellant Elmer L. Price, be imprisoned in the Territorial Penitentiary, situate at Santa Fe, New Mexico, for and during the period of his natural life, and that he pay the costs of this prosecution to be taxed and that execution issue therefor.

No. 1177	Eagle Mining & Improvement Co.	)	
	Appellant	)	
	vs	)	Appeal from District Court Lincoln County
	Mary R. Hamilton, et al.,	)	
	Appellees,	)	
No. 1178	H. B. Hamilton Jr, Adm. etc., et al.,	)	
	Appellees,	)	
	vs	)	Appeal from District Court Lincoln County.
	Eagle Mining & Improvement Company	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and being now sufficiently advised in the premises announces its decision by Associate Justice Ira A. Abbott, Chief Justice W. J. Mills, and Associate Justices Parker, Pope and McFie, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court below; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln, whence this court came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that Humphrey B. Hamilton Jr, as administrator of the estate of Humphrey B. Hamilton . .

ment, and being now sufficiently advised in the premises, announces its decision by Associate Justice Frank W. Parker, Associate Justices McFie, Pope, Abbott and Mann, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of San Miguel, whence this Cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is therefore considered and adjudged by the Court that the said Appellee, Browne & Manzanares Company, do have and recover of and from said Appellant, Cassius O. Gise said sum of Five Thousand Two Hundred and thirty seven 25/100 (\$5237.25) dollars, with interest thereon from March 1st, 1906, at the rate of six per cent per annum, together with the costs of this action, to be taxed and that execution issue therefor.

No. 1183	Territory of New Mexico,	)	Appeal from District Court Union County.
		)	
	vs	)	
	L. A. Meredith	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present court, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Ira A. Abbott, Associate Justices Frank W. Parker, Edward A. Mann, John R. McFie, and Wm. H. Pope, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Union whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellant L. A. Meredith be and he hereby is remanded to the custody of the sheriff of Union county until such time as said sheriff can conveniently convey the said appellant to the Territorial Penitentiary situated at Santa Fe New Mexico, and there deliver the said appellant to the Warden of the said Penitentiary to be confined therein for the period of three and one half years, commencing with this date, and that warrant of commitment herein issue.

No. 1186	Pecos Valley & Northeastern Ry Co.	)	Appeal from District Court Chaves County.
		)	
	vs	)	
	F. H. Harris, et al.,	)	
	Appellee,	)	

This cause coming on before the court upon the motion of W. W. Gatewood, to be permitted to withdraw as counsel for appellees herein, and the court having considered the said motion and being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the said W. W. Gatewood, be and he hereby is permitted to withdraw as counsel for appellees herein.

In Re
 No. 1201 W. J. Hittson
 Member of the Bar of this Court. . .)
) Disbarment

It is hereby ordered by the court that the argument of the demurrer herein, be and the same hereby is postponed until tomorrow morning at ten o'clock A.M.

Olive Corcoran
 No. 1203 vs Appellee,
 Albuquerque Traction Company Appellant,)
) Appeal from District Court Bernalillo County

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. McMillen Esq and T. N. Wilkerson Esq., for appellant and George S. Klock Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

United States of America
 No. 1045 vs Appellee,
 Mariano F. Sena, Appellant,)
) Appeal from First Judicial District Court

This cause coming on before the court upon the motion of appellant for a deminution of the record which said motion is accompanied by affidavits and by certificate of the Judge of the First Judicial District, and upon the transcript of record, assignment of errors, and briefs of counsel, is argued by John H. Knabel for appellant, and E. L. Medler, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises, take the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills
 Chief Justice, etc.

Sixteenth Day, Thursday August 29th, 1907

Court met pursuant to adjournment

Present as Upon yesterday, except W.H.H.Llewellyn and ELL.Medler, David J.

Leahy Assistant U. S. Attorney being present.

Record of yesterday's proceedings was read and approved.

No. 1201 In Re)
W. J. Hittson,) Disbarment
Member of the Bar of this Court)

This cause coming on before the court upon the motion of T. B. Catton Esq. Attorney for respondent, for leave to withdraw his former answer and demurrer, and to file a new demurrer, and the court being fully advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the respondent herein be and he hereby is allowed to withdraw his former answer and demurrer and to file a new and amended demurrer.

No. 1131 Peter Kitchen)
Appellee,)
vs) Appeal from District Court McKinley County
George Shuster)
Appellant,)

This cause coming on before the court upon a motion for rehearing herein by appellant and the court having had the same under advisement, and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No. 1028 Noa Ilfeld et al.,)
Appellants,)
vs) Appeal from District Court Bernalillo County.
Ramona L. de Baca et al.,)
Appellees,)

This cause coming on before the court upon the motion of appellants herein for a finding of facts and the court being sufficiently advised adopts as its findings the findings of facts of the court below: It is therefore considered and adjudged by the court that the findings of facts of the District Court of Bernalillo county be and the same hereby are adopted as the findings of fact of this court.

No. 1202 Elgin Douthit who sues by his next friend)
Thomas J. Douthit) Appellees,)
vs)) Appeal from District Court Chaves County.
Joshua B. Bailey)
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised takes the same under advisement. It is Ordered by the court that the appellant herein do have thirty days from this date to file his briefs and the appellee thirty days thereafter to reply.

Appeal from District Court Santa Fe County.

Member of the Bar of this Court.

DONE At Santa Fe this Twelfth day of August in the year of our Lord
one Thousand Nine Hundred and seven and of the Territory
Fifty-seventh and of the Independence of the United States

The one Hundred and Thirty-second.

(SEAL)

George Curry

Governor

By the Governor

J. W. Reynolds,

Secretary of the Territory

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills

Chief Justice etc.

Seventeenth

Day,

Friday August 30th

A. D.

1907

Seventeenth Day, Friday August 30th, A. D., 1907

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Browne & Manzanares Co.,	)	
1182	Appellee,	)	
	vs	)	Appeal from District Court, San Miguel County.
	Cassius C. Gise.	)	
	Appellant	)	

This cause coming on before the court upon the motion of appellee herein to revive the judgment herein in the name of Mrs Cassius C. Gise, having suggested the death of the appellant Cassius C. Gise, and the objection of the attorney for the appellant herein having been withdrawn, and he no longer objecting to the said revival of judgment, and the court being sufficiently advised in the premises, grants the said motion: It is therefore considered and adjudged by the court that the judgment heretofore entered herein in the name and against Cassius C. Gise, be and the same hereby is revived in the name and against Mrs Cassius C. Gise and that in accordance therewith it is therefore considered and adjudged by the court that the said appellee, Brown & Manzanares Company, do have and recover from and of the said Mrs Cassia C. Gise, the sum of Five thousand two hundred and thirty-seven 25/100 (\$5237.25) Dollars, with interest thereon from March 1st, 1906 at the rate of six per cent per annum, together with the costs of this action; and that execution issue therefor.

No.	Territory of New Mexico, ex rel Bird S. Co-	)	
1122	ler et al?	)	
	Appellees,	)	
	vs	)	Appeal from District Court Santa Fe County.
	Board of County Commissioners Santa Fe Co.	)	
	Appellant,	)	

This cause coming on before the court upon a motion of appellant herein for a rehearing, and the court being sufficiently advised in the premises, denies the same, It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is denied.

No.	Territory of New Mexico Ex rel. Bird S. Co-	)	
1123	ler et al.,	)	
	Appellees,	)	
	vs	)	Appeal from District Court Santa Fe County.
	Board of County Commissioners Santa Fe Co.	)	
	Appellant,	)	

This cause coming on before the court upon a motion of appellant for a rehearing herein and the court being sufficiently advised in the premises, denies the said motion, It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

No. 1173 United States of America,
 Appellant
vs)
Benjamin H. Tallmadge et al., Appeal from District Court Fifth District.
 Appellees,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice Mills, and Associate Justices McFie, Parker, and Abbott, concurring, reversing the judgment of the court below and remanding the said cause to the lower court for a new trial. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the Fifth Judicial District of the Territory of New Mexico, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court for a new trial on the issues raised by the plea in abatement. It is further ordered and adjudged by the court that the said appellant do have and recover of and from appellee its costs in this behalf expended for which let execution issue.

No. 1201 In Re)
 W. J. Hittson,) D i s b a r m e n t
 Member of the Bar of this Court)

This cause having been argued by counsel and submitted to and taken under advisement by the court, upon a demurrer interposed to the complaint herein, and the court having had the same under advisement and being sufficiently advised in the premises, denies and overrules the said demurrer, It is therefore considered and adjudged by the court that the demurrer of respondent herein be and the same hereby is overruled, It is further ordered and adjudged by the court that the respondent herein do have thirty days from this date within which to file answer and the committee thirty days thereafter to reply, It is further ordered and adjudged by the court that this cause be and the same hereby is set for hearing for January 9th A.D., 1908

It is ordered that the court do now adjourn until the seventh day of January A. D., 1908
at ten A. M.

—William Francis

Chief Justice etc.

Day,

IN VACATION

A. D.

No.
1122-3

The territory of new mexico, ex rel bird s.)
coler et al.,)
Appellees,)
vs)
The Board of County Commissioners, of the)
County of Santa Fe,)
Appellants,)

Appeal from District Court Santa Fe County.

These causes coming on to be heard upon the motion of appellants, in the above entitled causes by their attorney A. B. Renehan, Esq., for an appeal of these causes to the Supreme Court of the United States of America, from the orders and decisions of this court made and entered of record on the 27th day of February A. D., 1907, It is hereby ordered by the court that the said motion of appellants be and the same is hereby granted and allowed.

William J. Mills

Chief Justice Supreme Court of New Mexico

October 24th, A. D., 1907

Day,

IN VACATION December 11th

A. D. 1907

Now comes into Court James M. Hervey, Esq., and presents here to the Court, his commission and oath of office as Attorney General of the Territory of New Mexico, which said commission and oath of office and in words and figure, following to;wit:-

IN THE NAME AND BY AUTHORITY OF THE
UNITED STATES OF AMERICA
THE GOVERNOR OF THE TERRITORY
OF NEW MEXICO

TO ALL WHOM THESE PRESENTS SHALL COME: GREETING

KNOW YE, That, Reposing Special Trust and Confidence in the Integrity, Ability and Discretion of

JAMES M. HERVEY

I do appoint him to be ATTORNEY GENERAL OF THE TERRITORY OF NEW MEXICO, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to hold the said office with all the rights and emoluments thereunto legally appertaining unto him the said JAMES M. HERVEY during the pleasure of the Governor of the Territory of New Mexico for the time being and until the end of the next session of the Territorial Council and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to

be affixed the Great Seal of the Territory of New Mexico

(SEAL)

DONE At Santa Fe this Fifth day of December in the year of our Lord One Thousand nine Hundred and Seven, and of the Territory Fifty-eight, and of the independence of the United States the One Hundred and Thirty-second.

GEORGE CURRY

By the Governor

Governor

NATHAN JAFFA

Secretary of the Territory

O A T H .

I, James M. Hervey, do solemnly swear that I will support and defend the constitution of the United States and the Laws of the Territory of New Mexico against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I am not the holder of any public moneys belonging to the Territory of New Mexico, or any county thereof, which are unaccounted for; and that I will well and faithfully discharge the duties of the office of Attorney General of the Territory of New Mexico, on which I am about to enter So Help Me God.

JAMES M. HERVEY

Day,

A. D.

Sworn to and subscribed before me this loth day of December, A. D.? 1907.

NATHAN JAFFA

Secretary, Territory of New Mexico

IN VACATION

DECEMBER 28th

A.D., 1907

Now comes David J. Leahy, Esq. and presents here to the court his commission and oath of office as Attorney of the United States, in and for the Territory of New Mexico, which said commission and oath of office is in words and figures, following to wit:

T H E O D O R E R O O S E V E L T,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A ?

TO ALL WHO SHALL SEE THESE PRESENTS G R E E T I N G :

KNOW YE, That, reposing special trust and confidence in the Integrity, Ability and Learning of David J. Leahy, of New Mexico, I HAVE NOMINATED, and by and with the advise and consent of the Senate, do appoint him Attorney of the United States, in and for the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of the Office according to Law, and to have and to hold said Office with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said David J. Leahy, for the term of four years, commencing with the date hereof, subject to the conditions prescribed by law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made, Patent, and the Seal of the Department of Justice to be hereunto affixed.

(S E A L)

GIVEN under my Hand in the CITY OF WASHINGTON, the Sixteenth day of December, in the year of our Lord one thousand nine Hundred and seven, and of the Independence of the United States of America the one hundred and thirty second.

THEODORE ROOSEVELT

By the President

CHARLES J. BONAPERTE,

Attorney General.

O A T H.

Territory of new mexico)
Opunty of San Miguel) s.s.

I, David J. Leahy, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and

A. Q.

DAVID J. LEAHY

Katherine G. Sullivan,

Notary Public

THURSDAY, JANUARY, 2nd

A. D., 1908

The Territory of New Mexico

Appellee,

No. 1219

vs

Jim West

Appellant,

Appeal from District Court Chaves County.

Good cause having been shown why appellant herein should be given additional time

within which to file Briefs with the clerk in said cause, and it appearing that justice de

mands that said additional time be given.

It is hereby ordered that appellant have till January 15th, 1908, to file said briefs

with said clerk.

Chief Justice etc.

Dated January 2nd, 1908.

Eighteenth

Day,

Tuesday January 7th

A. D.

1908

Eighteenth day, Tuesday January 7th, A.D., 1908

Court met pursuant to adjournment

Present Honorable William J. Mills Chief Justice

Honorable John R. McFie, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice

James M. Hervey, Attorney General

Joe D. Sena, Clerk.

Record of Friday August 30th 1907, is read and approved

It is ordered by the court that all cause now under advisement by the court, and all motions for rehearing of other motions now pending before this cause, be and the same hereby are continued for the term.

It is ordered that the court do now adjourn sine Die.

William J. Mills

Chief Justice etc.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of Government, on the first Wednesday after the first Monday in January A. D., 1908, the same being Wednesday January the 8th day 1908.

Present Honorable, William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice,

Honorable Frank W. Parker, Associate Justice.

Honorable Edward A. Mann, Associate Justice,

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice?

David J. Leahy, United States Attorney,

J. M. Hervey, Attorney General

O. M. Foraker, United States Marshal, per W. F. Bohe, Deputy

Jose D. Sena, Clerk.

It is ordered by the Court that Charles F. Abreu, be and he hereby is appointed crier for the present session of this court, whereupon he appeared in open court and was duly sworn as such.

It is ordered by the court that Erineo L. Chaves, be and he hereby is appointed bailiff for the present session of this court, whereupon he appeared in open court and was duly sworn as such.

No.
1159

The Mogollon Gold & Copper Company)

Plaintiff in Error,)

vs)

John E. Stout,)

Defendant in Error,)

Error to District Court Socorro County.

This cause coming on before the court upon the motion of defendant in error herein to amend the judgment of affirmance rendered by this court on the 28th day of August A.D. 1907, so as to include therein the sureties on the supercedeas Bond of the Plaintiff in error. and the court being sufficiently advised in the premises:

It is ordered that the said motion be and the same hereby is sustained, and that the said judgment of affirmance be amended now as of the 28th day of August 1907, so as to read as follows:

This cause having been argued by counsel. and submitted to and taken under advisement by the court at a former day of the present term, and the court having had the same under advisement, and being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pope, Mann, Abbott and McFie concurring, affirming the judgment of the court below, against the said plaintiff in error in the name of the Mogollon Gold and Copper Company instead of the Mogollon Gold and Copper Mining Company and also rendering judgment against the sureties upon the supercedeas bond of the said plaintiff in error.

First

Day,

Wednesday January 8th

A. D.

1908

Wherefore it is considered by the court that John W. Stout, defendant in error, do have a and recover of and from the Mogollon Gold and Copper Company, plaintiff in error and of and from Herbert T. Raynolds, Frank McKee and A.B. McMillen, the sureties upon the supercedas bond of the said plaintiff in error, the sum of One Thousand three Hundred and fifty (\$1350.) Dollars with six per cent per annum from the sixth day of February A. D., 1906 together with all costs in this behalf expended to be taxed, and that execution issue therefor.

No.
1159

The Mogollon Gold & Copper Company)
Plaintiff in Error,)
vs) Error to District Court Socorro County.
John W. Stout)
Defendant in Error)

This cause coming on before the court upon the motion of plaintiff in error herein for a rehearing, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of Plaintiff in Error herein for a rehearing, be and the same hereby is denied.

No.
1177

Eagle Mining & Improvement Company)
Appellant,)
vs) Appeal from District Court Lincoln County.
Marh R. Hamilton, et al.,)
Appellees,)

No.
1178

H. B. Hamilton Jr Adm. etc., et al.,)
Appellees,)
vs) Appeal from District Court Lincoln County.
Eagle Mining & Improvement Company)
Appellant)

This causes having come before the court upon the motion of appellees in the two above entitled causes to amend the judgment of affirmance by the Court on the 28th day of August 1907 in favor of said appellees and against the said appellant for the sum of ^{3419.97} \$8933.60, so as to include interest thereon from the 28th day of August A. D., 1906 the date when said judgement was rendered by the said District Court

It is ordered that said judgment be affirmed and the same hereby is amended as of the 28th day of August A. D., 1907, so that the last paragraph shall read as follows:-

"It is also considered by the Court that the said Humphrey B. Hamilton Jr, as administrator do have and recover of and from the Egle Mining & Improvement Company the sum of Eight Thousand nine hundred and ^{Thirty-three} ~~thirteen~~ and 60/100 dollars together with costs herein expended to be taxed and that execution issue therefore.

No.
1177

Eagle Mining & Improvement Company,)
Appellant,)
vs) Appeal from District Court Lincoln County.
Mary R. Hamilton, et al.,)
Appellees)

No.
1178

H. B. Hamilton Jr., Adm. etc. et al.,)
Appellees)
vs) Appeal from District Court Lincoln County.
Eagle Mining & Improvement Company)
Appellant,)

These causes coming on before the court upon the motion of appellant in the above entitled

causes upon a motion for rehearing and the court having had the same under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for rehearing in the above entitled causes be and the same hereby is denied.

No. 1183 Territory of New Mexico, Appellee,)
vs) Appeal from District Court Union County,
L. A. Meredith Appellant,)

This cause coming on before the court upon the application of appellant herein for a rehearing, and the court having had the said motion under advisement, and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein, be and the same hereby is denied.

No. 1161 John Jenkins, Plaintiff in Error,)
vs) Error to District Court Colfax County.
The Maxwell Land Grant Co., Defendant in error,)

This cause coming on before the court upon the motion of A. C. Voorhees Attorney for Plaintiff in error herein for an order of this court requiring Frank Springer to return to the files of the District Court certain papers, and the court not being sufficiently advised in the premises set the motion for argument for Monday January 13th at ten A. M.

It is ordered by the court that the following named persons constitute the examining board for the year 1908, for the examination of applicants for admission to the Bar of this Court, as follows: R. C. Gortner, First District, Julius Staab, Second District; James G. Fitch Third District; Stephen B. Davis Jr. Fourth District; James M. Hervey, Fifth District and George W. Prichard Sixth District.

No. 1201 In Re W. J. Hittson)
Member of the Bar of this Court) Disbarment

It is ordered by the court that this cause be and the same hereby is continued until the next adjourned session of this Court.

No. 1205 Richard Di Palma and Bernard Ruppe, Appellees)
vs) Appeal from District Court, Bernalillo County.
J. A. Weinman, and Joseph Barnett, Appellants,)

No. 1214 The Territory of New Mexico Appellee,)
vs) Appeal from District Court Guadalupe County.
Tom Caldwell, et al., Appellants,)

It is ordered by the court that the two above entitled causes be and they hereby are re-set for the next adjourned session of this court.

No.	Gallup Electric Light Company	)	
1217	vs	Appellee,)	Appeal from District Court McKinley County.
	Pacific Improvement Company	)	
	Appellants,)		
No.	Henry Lockhart	)	
1218	vs	Appellee,)	Appeal from District Court Bernalillo
	The Washington Gold & Silver Mining Co.,	)	
	Appellants,)		
No.	The Territory of New Mexico	)	
1219	vs	Appellee,)	Appeal from District Court Chaves County.
	Jim West	)	
	Appellant,)		

It is ordered by the court that the three above entitled case, be and the same hereby are re-set for the next adjourned session of this court.

In Re)
Admissions to the Bar)

Now comes the committee heretofore appointed for the examination of all applicants for admission to the Bar of this Court and report here to the court that they find R. F. Hall, John Lewis Johnson, John Venable, H. de B. Heflin, Howard D. Terrill, T. C. Taylor, James M. Dye, D. W. Elliott, William F. A. Gierke, John T. McClure, Frank F. Jennings, R. E. Rowells, Louis Edgar Lange, Oscar O. Askren, Robert L. Moore, proper and suitable persons to be admitted to the bar of this court and upon motion of James M. Hervey, Esq., It is considered and adjudged by the Court that R. F. Hall, John Lewis Johnson, John Venable, H. de B. Heflin, Howard D. Terrill, T. C. Taylor, James M. Dye, D. W. Elliott, William F. A. Gierke, John T. McClure, Frank F. Jennings, R. E. Rowells, Louis Edgar Lange, Oscar O. Askren, Robert L. Moore be and they hereby admitted as Attorneys, solicitors and counselors of this court, and the clerk of this court is hereby directed to issue to the above named persons a proper certificate, upon their signing the roll and taking the oath of office.. Whereupon they each and all of them appeared in open court and took the oath of office and subscribed to the roll.

In Re)
Admission to the Bar)

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and report hereto the court that they find Charles C. Hendrick and John W. Thompson, suitable persons to be admitted to the bar of this court, and Upon Motion of J. M. Hervey, It is considered and adjudged by the court that Charles C. Hendrick and John W. Thompson be admitted as attorney's solicitors and counselors of this court upon their filing with the clerk of this court a proper certificate showing practice for the three years immediately preceeding this date and signing the roll and taking the oath of office and the clerk of this court hereby is directed to issue to the said persons a proper certificate of admission upon their compliance with the order of the court as above specified.

In Re

Admissions to the Bar

It is ordered by the court, upon the recommendation of the committee of examination of applicants for admission to the bar of this Court, that the temporary licenses of Edwin C. Wilson, , B. H. Thompson, C. M. Brown? and Glenn C. Morgan, be and the same hereby is extended until the August session of this Court.

No.
1028

Noa Ilfeld et al.,

Appellants,

vs

Roman L. de Baca, et al.,

Appellees,

Appeal from District Court Valencia County.

This day this cause coming on to be heard on the motion of appellants for additional findings of fact and was argued by counsel and submitted to the court, whereupon the court being fully advised in the premises overrules said motion, and declines to make the additional findings requested by said motion to which ruling and refusal to make said additional findings of fact the appellants excepted and now except.

No. 1177

Eagle Mining & Improvement Company

Appellant,

vs

Mary R. Hamilton et al.,

Appellees,

Appeal from District Court Lincoln County.

No.
1178

H. B. Hamilton Adm. etc. et al,

Appellees

vs

Eagle Mining & Improvement Company

Appellant,

Appeal from District Court Lincoln County.

These causes coming on to be heard upon the notice of the appellant in the above entitled cause of an appeal to the Supreme Court of the United States, and asking the court to fix the Supercedeas Bond for the purposes of the said Appeal, and the court being sufficiently advised in the premises fixes the amount of the supercedeas Bond in the sum of twenty thousand dollars. It is therefore considered and adjudged by the court that the Supercedeas Bond in the above entitled cause on appeal to the Supreme Court of the United States, be and the same hereby is fixed in the sum of \$20,000 to be approved by the clerk of this Court.

No. 1197

Eagle Mining & Improvement Company

Plaintiff in Error,

vs

Robert E. Lund,

Defendant In Error,

Error to District Court Chaves County.

This cause coming on before the court upon the motion of defendant in error herein to dismiss the Writ of error herein, and the court having had the said motion under advisement and being sufficiently advised in the premises, denies the said motion. It is therefore considered and adjudged by the court that the motion to dismiss the writ of error herein be, and the same hereby is denied.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William J. Smith
Chief Justice etc.

Second Day, Thursday, January 9th, A. D., 1908

Court met pursuant to adjournment,

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

In Re
Admissions to the Bar

Now comes the committee heretofore appointed to examine applicants for admission to the bar of this court and reports here to the Court that they find Frank A. Burdick, as a proper and suitable person for admission to the bar of this Court and on motion of James M. Hervey, Esq., It is ordered by the court that the said Frank A. Burdick be and he hereby is admitted as an attorney, solicitor and counselor of this court, and the clerk of this Court is hereby directed to issue to the said Frank A. Burdick a proper and suitable certificate of admission upon the said Burdick filing with him a certificate that he has been in actual practice for the last three years immediately preceeding and signing the roll and taking the oath of office. Whereupon the said Frank A. Burdick appeared in open court and duly signed the roll and took the oath of office.

No. 1055
Solomon Luna, Plaintiff in Error,
vs
Cerrillos Coal Railroad Company
Defendant in error,

It is ordered by the court that this cause be and the same hereby is set for hearing for the first adjourned session of this court hereafter.

No. 1093
The Territory of New Mexico Appellant,
vs
C. C. Lotspeich Appellee,
Appeal from District Court Bernalillo County.

This cause coming on to be heard upon the transcript of record, briefs of counsel and assignment of error is argued by J. M. Hervey Esq. and F. W. Clancy Esq. for appellant and G. S. Clock for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1194
The Territory of New Mexico Appellee,
vs
Jessie Kimmick, Appellant,
Appeal from District Court Sierra County.

No. 1198
The Territory of New Mexico, Defendant in Error,
vs
Jessie Kimmick Plaintiff in error,
Error to District Court Sierra County

It is ordered by the court that the above two entitled causes be and the same hereby are re-set for hearing for the first adjourned session of this court.

No. 1207. The Territory of New Mexico
 vs Appellee,
Victor Telles,)
 Appellant,)

Appeal from District Court Valencia County

It is ordered by the court that this cause be and the same hereby is set for hearing for the first adjourned session of this court

Whereas, Jose D. Sena, Clerk of the United States Supreme Court of the Territory of New Mexico has rendered to this court an account for his official services from the 1st day of October to the last day of December, A.D., 1907, both inclusive with items and vouchers thereof, in the presence of David J. Leahy District Attorney, and has,, by his oath, attached to the account, proved to the satisfaction of the court, that the services therein charged have been actually and necessarily performed, as therein stated, and

Whereas, said charges appear to be just and according to law.

NOW THEREFORE It is hereby ordered that the said account amounting to four dollars and seventy one cents (\$4.71) be and the same hereby is approved. It is hereby certified that upon each day for which per diem is charged in this account the Court was opened for business and the Judges present and presiding, except to the following named days viz (none) on which the Supreme Court was opened and adjourned by the Clerk as provided by section 584 R@ S.U. S and except on and except on the following named days viz (none) on which the Supreme Court was adjourned upon the written order of the Chief Justice as provided by section 583 or 585 R.S.U.S. copies of which ordered are hereto attached.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court and report here to the court that they find the following named person suitable persons to be admitted to the bar of this court to wit: J. E. Mattison, T.C. Lyng, C. Volney Howard, Manuel U. Vigil, William D. McBee, W.A. Havener, J. Benson Newell, A. James McDonald, Chas P. Johnson, Harry H. McElroy, Robert H. Crews, L. D. Lowe, Miss Nellie C. Brewer, Renzo D. Bowers, George E. Remley, Frank W. Vellacott, Frederick C. Knollenberg suitable persons to be admitted to the bar of this court, and upon motion of James M. Hervey Esq., It is ordered by the court that J. E. Mattison, T.C. Lyng, G. Volney Howard, Manuel U. Vigil, William D. McBee, W.A. Havener, , Benson Newell, A. James McDonald, Chas P. Johnson, Harry H. McElroy, Robert H. Crews, L. D. Lowe, Miss Nellie C. Brewer, Renzo D. Bowers, George E. Remley, Frank W. Vellacott, Frederick C. Knollenberg be admitted as attorneys, solicitors and counsellors of this court, and the clerk of this Court is hereby directed to issue to the said named persons, a proper and suitable certificate of admission upon their signing the roll and taking the oath of office, whereupon they all each and every one of the above named persons, appeared in opened court and signed the roll and took the oath of office.

Second

Day,

Thursday January 9th

A. D.

1908

In Re
Admissions to the bar

)

It is ordered by the court that the Temporary Licenses heretofore issued by the district Courts to William R. Kelley, D. W. Puckett, J. D. Lawhead, George W. Belknap, John W. Callahan, George W. Evans and E. A. Mayo, be and they same hereby are revoked.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller

Chief Justice etc.

Third Day, Friday, January 10th, A.D., 1908

Court met pursuant to adjournment

Present as upon yesterday

Record of Yesterday's proceedings is read and approved.

No. 1197	Eagle Mining & Improvement Company	)	
	Plaintiff in Error,	)	
	vs	)	Error to District Court Chaves County.
	Robert E. Lund,	)	
	Defendant in Error,	)	

This cause coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is argued by Geo W. Prichard, Esq. for plaintiffs in error and submitted to the Court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is further ordered by the court that the defendant in error herein, do have thirty days from this date in which to file briefs in the above entitled cause.

It is ordered that the court do now adjourn until Monday Morning at ten o'clock A. M.

William J. Mills
Chief Justice etc.

Fourth Day, Monday, January 13th, A. D., 1908.

Court met pursuant to adjournment.

Present as upon Friday,

Record of Friday's proceedings is read and approved.

No. 1171	J. C. Cravens,	)	
	Plaintiff in Error,	)	
	vs	)	Error to District Court Otero County.
	R. H. Pierce Company	)	
	Defendant in error,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills,, Associate Justices Pope, McFie, Abbott and Parker, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Otero, whence this cause came into this court, be and the same hereby is affirmed; and that in accordance therewith It is considered and adjudged by the court that the said R. H. Pierce Company, do have and recover of and from the said Geo. Richardson and J. C. Cravens, partners under the firm name of Richardson & Co., the sum of Ten hundred and thirty six dollars and twenty one cents (\$1,036.21) with interest thereon from the 28th day of September, A.D., 1905 at the rate of six per cent per annum, together with its costs in this behalf expended to be taxed and that execution issue therefore

No. 1172	J. C. Cravens,	)	
	Plaintiff in Error	)	
	vs	)	Error to District Court Otero County.
	R.H.Pierce formerly engaged in business as	)	
	R.H.Pierce & Co.,	)	
	Defendant in error,	)	

This cause having been argued by counsel, and submitted to the court, and taken under advisement upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pope, McFie, Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Otero, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that R.H. Pierce to have and recover of and from said George Richardson and J. C. Cravens, partners under the firm name of Richardson & Cravens, the sum of Four Hundred and Thirty-zix Dollars and thirty one cents (\$436.31) with interest thereon from the 28th day of September, A.D., 1905, at the rate of six per cent per annum, together with the costs in this behalf expended to be taxed, and that execution issue therefor

*Day,**A. D.*

No. 1174

William E. Gammon

Plaintiff in Error,

vs

Louis W. Galles,

Defendant in error

Error to District Court Sierra County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and Associate Justices McFie, Pope and Abbott, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore, considered and adjudged by the court that the judgment of the District Court in and for the county of Sierra, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the motion to dismiss the appeal in this cause, be and the same hereby is sustained and the appeal herein be and the same hereby is dismissed. It is further ordered by the court that the defendant in error herein do have and recover of and from the plaintiff in error his costs in this behalf expended for which execution may issue.

No. 1190

J. M. Sandoval

Appellee,

vs

Geo F. Albright,

Appellant,

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Mann, Parker and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the Judgment of the Court in and for the County of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith that the appellee herein do have and recover of and from the appellant Geo. F. Albright, the sum of Five Thousand seven hundred and Sixty^{two} dollars and fifty six cents (\$5,762.56) with interest thereon at the rate of six per cent per annum from the 13th day of January, 1908, until paid, together with costs in this behalf expended to be taxed for which let execution issue.

It is further ordered by the court, upon the motion of appellee, that the appellee herein do have and recover of and from Frank A. Hubbell, and W. H. Gillenwater, sureties on the supercedeas bond in the above entitled cause the sum of Five thousand seven Hundred and sixty^{two} dollars (\$5,762.56) with interest at the rate of six per cent per annum from the 13th day of January A. D., 1908, until paid, together with his costs in this behalf expended for which let execution issue.

No. 1208 School District No. 15 of the County of Taos)
 Plaintiff in Error,)
 vs) Error to District Court Taos County.
 Daniel Sisneros, Supt. Schools Taos County)
 Defendant in error,)

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, and the plaintiff in error herein having failed to perfect their writ of error herein, It is ordered by the court that the writ of error herein sued out be and the same hereby is dismissed at plaintiff in error's costs.

No. 1200 Milbert F. Pierce & Louis E. Lynn, partners)
 doing business under the name and style of)
 Puritan Manufacturing Company)
 Appellees,)
 vs) Appeal from District Court Bernalillo County.
 B. Toti and L. Gradi, Partners doing busin)
 ness under the style of Toti & Gradi)
 Appellants)

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is argued by Thomas N. Wilkerson Esq. for appellants, and Felix H. Lester Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1202 Elgin Douthitt, who sues by his next friend)
 Thomas J. Douthitt,)
 Appellee,)
 vs) Appeal from District Court Chaves County,
 Joshua B. Bailey,)
 Appellant,)

It is ordered by the court that the appellants do have thirty days from this date within which to file briefs in the above entitled cause, and that appellees have thirty days thereafter to reply.

No. 1161 John Jenkins,)
 Plaintiff in Error,)
 vs) Error to District Court Colfax County.
 The Maxwell Land Grant Co.,)
 Defendant in error,)

This cause coming on to be heard upon the motion of plaintiff in error for a rule upon Frank Springer, requiring him to return to the files certain papers therein mentioned and for further time within which to perfect transcript, is argued by A. C. Voorhees for Plaintiff in error, and Chas A. Spiess, for defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1211 The Territory of New Mexico)
 Appellant,)
 vs) Appeal from District Court Bernalillo County.
 George B. Woodward, et al.,)
 Appellees,)

It is ordered by the court that this cause be and the same hereby is reset for hearing for the first adjourned session of this court.

No.1210 The Territory of New Mexico
 vs Appellant,
Hattie H. Crary et al.,)
 Appellees,)

Appeal from District Court Bernalillo County.

It is ordered by the court that this cause be and the same hereby is re-set for
hereinafter for the first adjourned session of this court.

No. 1209 The Santa Fe Raton & Des Moines R.R.Co.
 Appellant,
vs
St Louis Rocky Mountain & Pacific R.R.Co.)
 Appellee.

Appeal from District Court Colfax County.

It is ordered by the court that this cause be, and the same hereby is set for hearing for the first adjourned session of this court.

No. 1152 The Sterns Rogers Manufacturing Co. et al),
 Appellees,) Appeal from District Court Colfax County.
 vs)
The Aztec Gold Mining & Milling Co. et al)
 Appellants,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Associate Justices McFie, Harker, Pope and Abbott, concurring, reversing the judgment of the court below, and entering a judgment herein in this court, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Colfax whence this cause came into this court be and the same hereby is reversed, It is further ordered by the court that a judgment be entered in this court which said judgment will be entered at a later day of the present term.

It is ordered by the Court that the court do now adjourned until tomorrow morning at ten o'clock A. M.

William J. Wells.

Chief Justice etc.

Fifth

Day,

Tuesday January 14th

A. Q.

1908

Fifth Day, Tuesday, January 14th A. D., 1908

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. The Stearns-Roger Manufacturing Company et al)
1152 Appellees,)
 vs)
 The Aztec Gold Mining & Milling Co. et al.,)
 Appellants,)

Appeal from District Court Colfax County.

This cause coming on before the court upon the motion of appellees by their Attorney W.L. Hartman, and the Maxwell Land Grant Company, Appellant by its Attorney C. A. Spiess, Esq., for additional time within which to file motion for rehearing herein, and the court being sufficiently advised in the premises, grants the said motions. It is therefore considered and adjudged by the court that the appellees herein and the Appellant the Maxwell Land Grant Co. do each have twenty days from this date within which to file motion for rehearing herein.

No. 1161 John Jenkins, Plaintiff in Error,)
vs)
The Maxwell Land Grant Company,)
Defendant in error) Error to District Court Colfax County.

This cause having come before the court upon the motion of plaintiff in error herein for a rule on Frank Springer to return to the file certain papers therein mentioned and for ninety days additional times within which to perfect transcript, and upon the motion of the defendant in error to affirm the judgment of the court below, and the court having had said motion under advisement, and being sufficiently advised in the premises, denies and overrules both the said motion of defendant and plaintiff in error. It is therefore considered and adjudged by the court that the motion of defendant in error for a rule on Frank Springer, and for further time within which to perfect transcript, and the motion of the defendant in error for affirmance both be and the same hereby are denied and overruled. It is further ordered by the Court that the plaintiff in error do have thirty days from this date within which time to perfect and file transcript with the clerk of this Court.

No. 1180 Eloisa Lune de Bergere, et al.,
 Appellees,
 vs
 Luciano Chaves et al.,
 Appellants,

)
)
) Error to District Court Santa Fe County.
)
)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pope, Parker and Abbott concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is con-

sidered and adjudged by the court that the said appellees, Eloisa Luna de Bergere, Alfred M. Bergere, her husband, Edward, Adelina and Manuel W. Otero, do have and recover of and from the said appellants, Luciano Chavez, Apolonio Chavez, Gregorio Chavez, Ascension Chavez, Antonio Sandoval, Altagracia Chavez, Rosario Rodriguez de Chavez, the possession of the said premises, piece and parcel of land and real estate situate, lying and being in the County of Santa Fe, aforesaid, and known as and commonly called "the Galisteo Grant", the extent, location and boundaries of the same being as follows:

"Begining at the northeast corner of the survey thereof by Albert F. Easley, made under direction of the Surveyor General of the United States for the Territory of New Mexico, and remaining on file in the office of the said Surveyor General; thence north seventy-seven degrees fifteen minutes west, to the east side of the old reservoir site of the people of Galisteo; thence, first in a southerly direction and afterwards in a northwesterly direction following the meanders of the edge of said reservoir site, in such manner as to exclude the same, to the northeast corner of an old stone wall constituting the east and north boundary of the allotment made in said grant to one Matias Sandoval; thence, following said stone wall in a southerly and westerly direction until the same intersects the east boundary of the homestead entry No. 3460, patented to Rafael Ortiz, on January 11th, 1897; thence south along said east boundary to the north bank of the Galisteo River; thence in an easterly direction following the meanders of said river to its junction with the Arroyo Atascoso, or Rio de San Cristobal; thence crossing the Galisteo river in an easterly direction to the east boundary of said survey by said Easley; thence in a right line to the point of beginning; being the same premises indicated by letters A, B, C, D, E, F, G, H, I, J, K, L and M on plat attached as Exhibit "A" to objections filed by the United States to the survey of the said Easley in case No. 54 in the Court of Private Land Claims of the United States, in and for the Territory of New Mexico, in a certain cause therein entitled Luciano Chaves et al, vs The United States of America.

And it is further considered, ordered and adjudged that the said appellees do have and recover of and from the appellants, their damages in the sum of four hundred and eighty-seven (\$487.00) together with interest at the rate of six per cent per annum from this date until paid, and the costs of this action to be taxed and that writs of possession and execution issue herein.

No. 1211	The Boulder Colorado Sanitarium	)	Appeal from District Court Chaves County.
	Appellees,	)	
	vs	)	
	Kate Vanstone,	)	
	Appellant,	)	

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Fifth

Day, Tuesday, January 14th*A. D.*

1908

No.
1216

United States of America,

Appellee,

vs

Santa Rita Mining Co et al.,

Appellants,

Appeal from Third Judicial District Court

It is ordered by the court that this cause, be and the same hereby is reset for hearing for the second adjourned session of this court.

In Re

Admissions to the Bar

It is ordered by the court that H. de B. Heflin, and J. W. Thompson, do have until the August session of this court within which time to appear and sign the roll and take the oath of office as prescribed by the rules.

It is ordered that the court do now adjourn until tomorrow afternoon at two P. M.

William J. Miller
Chief Justice etc.

Sixth Day, Wednesday, January 15th, A. D., 1908.

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1192.	First National Bank of Tucumcari,	)	Appeal from District Court Quay County.	
		Appellee,		)
	vs			)
	Cabe Adams, et al.,	Appellants,		)

This cause coming on before the court upon the motion of appellants herein to reinstate for reasons therein stated, and the court having had said motion under advisement and being now sufficiently advised in the premises, grants the said motion: It is therefore considered and adjudged by the Court that the motion of appellants to reinstate be and the same hereby is granted and that this cause be and the same hereby is reinstated upon the dock et of this Court. It is further ordered that this cause be and the same hereby is set for hearing for the first adjourned session of this court.

No. 1180	Eloisa L. de Bergere, et al.,	)	Appeal from District Court Santa Fe County.	
		Appellees,		)
	vs			)
	Luciano Chavez et al.,	Appellants,		)

This cause coming on upon the motion of appellant for additional time within which to file motion for rehearing and the court being sufficiently advised in the premises grants the said motion It is therefore considered and adjudged by the court that the appellants herein do have twenty days from this date within which to file motion for rehearing.

No. 1190	J. M. Sandoval,	)	Appeal from District Court Bernalillo County.	
		Appellee,		)
	vs			)
	George F. Albright,	Appellant		)

This cause coming on upon the motion of appellants for additional time within which to file motion for rehearing in the above entitled cause and the court being sufficiently advised in the premises, grants the same It is therefore considered and adjudged by the court that the appellants herein do have twenty days from this date within which to file motion for rehearing.

No. 1213	Peter Sherman, et al.	)	Appeal from District Court Chaves County.	
		Appellees,		)
	vs			)
	Darius Hicks,	Appellant		)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs on file, is submitted by the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

No.
1215

Eastern Railway of New Mexico,

Appellee,)

vs

John Mulligan,

Appellant,)

Appeal from District Court Roosevelt County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is submitted to the Court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A M.

William J. Miller

Chief Justice etc.

Seventh Day, Thursday, January 16th, A. D., 1908.

Court met pursuant to adjournment,

Present as upon yesterday.

Record os yesterday's proceedings is read and approved.

No. 1220 S. C. Smith, Appellee,)
vs Darius Hicks, Appellant,) Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by K. K. Scott, Esq. for appellants, and submitted on brief for appellee, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1222 Home Savings Bank of Des Moines Iowa, Appellee,)
vs K. S. Woodruff, et al., Appellants,) Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by W. C. Reid, Esq. for appellants and K. K. Scott, for appellees and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

In Re Admissions to the Bar)

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this Court and report here to the court that they find E. A. Mayo, and Vin W. Moore, proper and suitable persons for admission to the bar of this court, and upon motion of James M. Hervey, It is considered and adjudged by the court that E. A. Mayo and Vin W. Moore be and they hereby are admitted as attorneys, solicitors and counsellors of this court upon their signing the roll and taking the oath of office, and the clerk of this Court is hereby directed to issue to the said named persons a proper certificate of admittance upon their signing the roll and taking the oath of office and upon filing with the clerk of this court a certificate of three years practice previous to the date of their application. Whereupon each appeared in ppen court and took the oath of office and subscribed to the roll.

It is ordered by the court that the temporary license of George W. Evans, be and the same is hereby extended until the August session of this Court.

No. 1195 United States of America, Appellee,)
vs Jesus M. Medina, Appellant,) Appeal from First Judicial District Court.

It is ordered by the court that this cause, be and the same hereby is reset for hearing

Seventh

Day,

Thursday, January 16th

A. D.

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15.

for the first adjourned session of this court.*

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills

Chief Justice etc.

Eighth Day, Friday, January 17th, A. D., 1908.

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No. 1187	Alex McKinzie,	)	Appeal from District Court Union County.
	vs		
	John King,		
	Appellant,	)	
		)	
	Appellee,	)	
		)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Associate Justices Pope, McFie, Parker and Mann, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Union whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee John King, do have and recover of and from the appellant, Alex McKenzie, the just and full sum of One thousand ninety-eight 07/100 (\$1098.07) dollars, with interest thereon at the rate of twelve per cent per annum from date until paid, together with the costs in this behalf expended to be taxed, for which let execution issue.

No. 1223	The Territory of New Mexico,	)	Appeal from District Court Torrence County.
	vs		
	Jap L. Clark, et al.,		
	Appellee,	)	
		)	
	Appellants,	)	
		)	

It is ordered by the court that this cause be and the same hereby is set for hearing for the 24th day of February, A. D., 1908.

No. 1221	Michael A. Ross,	)	Appeal from District Court Bernalillo County
	vs		
	Clark M. Carr, et al.,		
	Appellee,	)	
		)	
	Appellants,	)	
		)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. L. Medler, Esq. for Appellants, and O. N. Marron, Esq. for appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1148	John H. Kingston et al.,	)	Appeal from District Court Chaves County.
	vs		
	J. W. Walters,		
	Appellants,	)	
		)	
	Appellee,	)	
		)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently

advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Abbott, and Mann, concurring, Associate Justice Parker Dissenting, reversing the judgment of the court below, and remanding the said cause for further proceedings, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County Chaves, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court in and for the county of Chaves, for further proceedings in accordance with the opinion of the court on file. It is further ordered by the court that the said Appellants, do have and recover of and from the appellees, their costs in this behalf expended to be taxed, for which let execution issue.

AN ORDER

FIXING THE TIMES OF HOLDING UNITED
STATES DISTRICT COURTS IN THE SEVERAL
DISTRICTS OF THE TERRITORY OF NEW MEX-
ICO, AND LIMITING THE DURATION THEREOF

The Judges of the Supreme Court of the Territory of New Mexico now assembled at the seat of government of said Territory, do hereby fix and appoint the several times and places of holding the Courts in their respective districts and limit the duration of the terms thereof, in the manner following to-wit:

IN THE FIRST JUDICIAL DISTRICT: beginning on the first Monday in March, and the first Monday in September, at Santa Fe, to continue in session not to exceed six months at each term

IN THE SECOND JUDICIAL DISTRICT: beginning on the third Monday in March, and the third Monday in September, at Albuquerque, to continue in session not to exceed six months at each term.

IN THE THIRD JUDICIAL DISTRICT: beginning on the first Monday in April, and the first Monday in October, at Las Cruces, to continue in session not to exceed six months at each term.

IN THE FOURTH JUDICIAL DISTRICT: beginning on the second Monday in May, and the second Monday in November, at Las Vegas, to continue in session not to exceed six months at each term.

IN THE FIFTH JUDICIAL DISTRICT: beginning on the third Monday in April, and the third Monday in October, at Roswell, to continue in session not to exceed six months at each term.

IN THE SIXTH JUDICIAL DISTRICT: beginning on the fourth Monday in May, and the fourth Monday in November, at Alamogordo to continue in session not to exceed six months at each term.

IT IS FURTHER ORDERED, that all bonds, rules, motions, warrants, writs, subpoenas and other process of said courts returnable at other times than those above specified are hereby declared to be, and are returnable at the times above provided for said courts respectively.

IT IS FURTHER ORDERED, that the clerk of the Supreme Court of the said Territory of New Mexico, enter the foregoing order on the records of this court, and that he transmit a certified copy thereof, to the clerk of each Judicial District of the Territory of New Mexico, to the United States Attorney for New Mexico, and to the United States Marshal for New Mexico.

WITNESS our hands this seventeenth day
of January, A. D., 1908.

(Signed)

WILLIAM J. MILLS
Chief Justice etc.

JOHN R. McFIE,
Associate Justice

IRA A. ABBOTT,
Associate Justice

FRANK W. PARKER,
Associate Justice

Wm. H. POPE,
Associate Justice

EDWARD A. MANN,
Associate Justice.

It is ordered that the court do now adjourn until Monday the 24th day of February at ten o'clock A. M.

William J. Mills.
Chief Justice, etc.

Day,

IN VACATION JANUARY 28th

A. D.

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Now comes the Honorable William H. Pope, and exhibits at the office of the clerk of this Court his commission and oath of office as Associate Justice of the Supreme Court of the Territory of new mexico, which said commission and oath of office, are in words and figures, following towit:©

T H E O D O R E . R O O S E V E L T ,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A

TO ALL WHO SHALL SEE THESE PRESENTS, G R E E T I N G :

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of William H. Pope, of New Mexico, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him the said William H. Pope, for the term of four years commencing with the date hereof, subject to the provisions of Law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand at the City of Washington, the Thirteenth day of January in the year of our Lord one thousand nine hundred and eight and of the Independence of the United States of America the one hundred and thirty-second.

(S E A L)

T H E O D O R E R O O S E V E L T

By the President

O H A R L E S J. B O N A P A R T E.

Attorney General.

O A T H O F O F F I C E F O R U N I T E D S T A T E S J U D G E S.

(Section 712 and 1757, Revised Statutes.)

I, William H. Pope, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of

*Day,**A. D.*

the office on which I am about to enter. SO.HELP.ME GOD

WILLIAM H. POPE

Subscribed and sworn to before me, this Twenty-eighth day of January, A. D., 1908.

(Seal)

NATHAN JAFFA

Secretary of New Mexico

Ninth Day, Monday, February 24th, A. D., 1908.

Court met pursuant to adjournment,

Present Honorable William J. Mills, Chief Justice.

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice,

Honorable William H. Pope, Associate Justice

Honorable Edward A. Mann, Associate Justice,

Honorable Ira A. Abbott, Associate Justice.

David J. Leahy, United States Attorney for New Mexico

James M. Hervey, Attorney General

C. M. Foraker, United States Marshall for New Mexico by J. H. Smith deputy

J. D. Sena, Clerk.

Record of proceedings of Friday January 17th is read and approved.

It is ordered by the court that Charles F. Abreu be and he hereby is appointed crier for the present session of this court whereupon he appeared in open court and was duly sworn as such.

It is ordered by the Court that Erineo L. Chaves, be and he hereby is appointed bailiff for the present session of this court, whereupon he appeared in open court and was duly sworn as such.

No. 1201	In Re W.-J. Hittson Member of the Bar	)))	D i s b a r m e n t.
No. 1055	Solomon Luna, Plaintiff in Error, vs Cerrillos Coal Railroad Company Defendant in Error,	)))))	Error to District Court Santa Fe County
No. 1161	John Jenkins, Plaintiff in Error vs The Maxwell Land Grant Company Defendant in error,	)))))	Error to District Court Colfax County.
No. 1192	First National Bank of Tucumcari, Appellee, vs Oabe Adams, et al., Appellant,	)))))	Appeal from District Court Quay County.
No. 1194	Territory of New Mexico Appellee, vs Jessie Kimmick Appellant,	)))))	Appeal from District Court Sierra County.
No. 1198	Jessie Kimmick Plaintiff in error, vs The Territory of New Mexico, Defendant in Error,	)))))	Error to District Court Sierra County.
No. 1209	The S.F. Raton & DeMoines R.R. Co., Appellant vs St Louis Rocky Mountain & Pac. R.R. Co., Appellee,	)))))	Appeal from District Court Colfax County.

No. 1217 Gallup Electric Light Company)
 Appellee,)
 vs) Appeal from District Court McKinley County.
 Pacific Improvement Company et al.,)
 Appellants)

No. 1218 Henry Lockhart,)
 Appellee,)
 vs) Appeal from District Court Bernalillo County
 Washington Gold & Silver Mining Co.,)
 Appellants,)

No. 1224 The Territory of New Mexico)
 Appellee,)
 vs) Appeal from District Court Santa Fe County.
 Ricardo Alarid)
 Appellant))

It is ordered by the court that the ten above entitled case, be and the same hereby are reset for hearing for the next adjourned session of this court.

No. 1210 The Territory of New Mexico)
 Appellant)
 vs) Appeal from District Court Bernalillo County.
 Hattie H. Crary, et al.,)
 Appellees,)

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellant do have thirty days from this date in which to file additional briefs herein and appellees thirty days to reply.

No. 1211 The Territory of New Mexico)
 Appellant,)
 vs) Appeal from District Court Bernalillo County.
 George B. Woodward, et al.,)
 Appellees,)

This cause coming on for hearing on the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellant do have thirty days from this date within which to file additional briefs and the appellees thirty days thereafter to reply.

No. 1207 The Territory of New Mexico,)
 Appellee,)
 vs) Appeal from District Court Bernalillo County.
 Victor Telles,)
 Appellant,)

This cause coming on for hearing upon the transcript of record assignment of errors and briefs of counsel, now comes J. M. Hervey Esq. Attorney General, and confesses error in the trial of the cause below, in that the court refused to quash the indictment in the above entitled cause. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded with the direction from this cause to reinstate said cause upon the docket and to quash the indictment.

ment in the above entitled cause, to which ruling and order of the court the appellant duly excepts which said exception is hereby granted.

No.	Territory of New Mexico	)	
1223	vs	)	
	Jap L. Clark et al.,	)	Appeal from District Court Torrence County.
	Appellant,	)	

* Now comes A. B. Renehan, Esq., one of the bondsmen on the supercedeas Bond of Jap L. Clark appellant herein and in open court surrenders the said appellant to this court, for himself and Duncan McGillivray and Allen McGillivray and moves this court to be further released from the said bond, and the court being sufficiently advised in the premises, It is considered and adjudged by the court that A. B. Renehan, Esq., Duncan McGillivray Esq and Allen McGillivray Esq be and they hereby are released from the said supercedeas bond and the said bond is hereby vacated and set aside and held for naught.

It is further ordered by the court that the said Jap L. Clark, be and he hereby is committed to the New Mexico Penitentiary for safe keeping pending the decision of the appeal in the above entitled cause.

No.	Elgin Jewelry Company etc.	)	
1126	vs	)	
1226	Tomas De Lallo,	)	Appeal from District Court Santa Fe County.
	Appellant,	)	

This cause coming on for hearing upon the motion of Catron & Gortner Attorneys for appellees in the above entitled cause to docket and affirm for the reason that the appellant has failed to perfect his appeal herein, and the court being sufficiently advised in the premises It is considered and adjudged that this cause be and the same hereby is ordered docketed and the judgment of the District Court in and for the county of Santa Fe whence this court came into this court be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Elgin Jewelry Company do have and recover of and from the appellant Tomas DeLallo its damages in the said sum of \$228.27 with interest thereon at the rate of six per cent per annum from the 4th day of March, A. D., 1906 until paid, together with their costs in this behalf expended to be taxed for which let execution issue.

No.	Eloisa Luna de Bergere, et al.,	)	
1180.	vs	)	
	Luciano Chaves, et al.,	)	Appeal from District Court Santa Fe County.
	Appellants,	)	

It is ordered by the court that the appellant herein do have until Wednesday February 26th within which time to file an amended motion for rehearing herein.

No.	The Stearns & Rogers Manufacturing Co.,	)	
1152	vs	)	
	The Aztec Gold Mining & Milling Co.	)	Appeal from District Court Colfax County.
	Appellants	)	

This cause coming on upon the motion of appellees herein and of appellant the Maxwell land Grant

Day,

Monday, February 24th

A. D.

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for a rehearing in the above entitled cause and for permission for oral argument on said motion and the court being sufficiently advised in the premises grants the said motions. It is therefore considered and adjudged by the court that the oral argument on the motions for rehearing herein be and the same hereby are set for Wednesday February 26th at ten A. M.

No. 1195	The United States of America,	)	
	Appellee,	)	
	vs	)	Appeal from First Judicial District Court.
	Jesus M. Medina,	)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. Renehan, Esq. for appellant and David J. Leahy, United States Attorney for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller

Chief Justice etc

Tenth Day, Tuesday, February 25th, A. D., 1908.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No.	Roman L. Baca, et al, Plaintiffs, Filomena	)	
1101	Perea de Otero, et al, intervenors,	)	
	Appellants,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Santiago Anaya, et al.,	)	
	Appellees,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills and Associate Justices McFie, Parker and Mann, concurring, reversing the judgment of the court below, and remanding said cause to the said court for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court, with directions to re-instate the intervening petition, and for further proceedings not inconsistent with the opinion of the court. It is further ordered by the Court that the appellants do have of and from the appellees, their costs in this behalf expended. to be taxed for which let execution issue.

No.	The Territory of New Mexico	)	
1119	Appellee,	)	
	vs	)	Appeal from District Court Socorro County.
	Escolastico Tais,	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices Pope, Mann, and McFie, concurring, reversing the judgment of the court below and remanding the cause for a new trial, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District court in and for the County of Socorro, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said District Court with directions to grant a new trial,

No.	Levi R. Thompson and A.B. McMillen,	)	
1132	Appellants,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Maria Inez Garcia de Snyder,	)	
	Appellee,	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term and this cause having been likewise decided by this court at a former term, Now this court withdraws its former decision and announces its

decision by Associate Justice Pope, Chief Justice Mills and Associate Justices McFie, Parker and Mann, concurring, reversing the judgment of the court below and remanding the said cause for further proceedings, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings not inconsistent with the opinion of this court. It is further ordered by the court that the appellant do have and recover of and from the appellee, its costs in this behalf expended for which let execution issue

No. 1186	P. V. & N. E. Ry Co.,	Appellant,	) Appeal from District Court Chaves County.
	vs	)	
	F. H. Harris, et al.,	Appellees,	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Mills, and Associate Justices Pope, McFie and Abbott, Concurring, reversing the judgment of the court below and remanding this cause for a new trial, for reasons stated in the opinion of the Court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves, be and the same hereby is reversed, and this cause hereby is remanded to the said district court with instructions to award a new trial and proceed in accordance with the opinion of this court. It is further ordered and adjudged by the court that the appellant to have and recover of and from the appellee, their costs in this behalf expended for which let execution issue.

No. 1193	The Territory of New Mexico,	Appellant,	) Appeal from District Court Bernalillo County.
	vs	)	
	C. C. Lotspeich,	Appellee,	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Pope, Chief Justice Mills and associate Justices McFie, Parker and Mann, concurring, reversing the judgment of the court below, and remanding this cause for further proceedings, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings not inconsistent with the opinion of the court.

No. 1197, Eagle Mining and Improvement Company
 Plaintiff in Error,
 vs
 Robert E. Lund,
 Defendant in Error,
 Error to District Court Chaves County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court now being sufficiently advised in the premises, announces its decision by Chief Justice William J. Mills, Associate Justices Parker, McFie, Abbott and Mann, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the said defendant in error do have of and from the plaintiff in error, the Eagle Mining & Improvement Company the just and full sum of Nine Thousand nine hundred and fifty six 91/100 dollars, with interest thereon from date until paid, together with the costs of this prosecution to be taxed for which let execution issue.

No. 1199, James M. Cowles,
 Appellee,
 vs
 James J. Hagerman,
 Appellant,
 Appeal from District Court Chaves County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mann, Chief Justice Mills and Associate Justices McFie, Parker and Abbott, concurring, reversing the judgment of the court below and remanding this cause for further proceedings, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chavez, whence this cause came into this court, be and the same hereby is reversed and this cause is hereby remanded for further proceedings: It is further ordered and adjudged by the court that the appellant do have and recover of and from the appellee, his costs in this behalf expended to be taxed for which let execution issue.

No. 1200, Puritan Manufacturing Company etc.,
 Appellees,
 vs
 Toti and Gradi
 Appellant,
 Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Pope, Chief Justice Mills, and Associate Justices McFie, Parker and Mann, concurring, reversing the judgment of the court below and remanding this cause for further proceedings: It is therefore considered and adjudged by the court that the judgment in and for the county of Bernalillo whence this cause came into this court be and the same hereby is reversed, and this cause is hereby remanded to the said district court for further proceedings not inconsistent with this opinion: It is further

considered and adjudged by the court that the appellant do have and recover of and from the appellee, his costs in this behalf expended for which let execution issue:

No.1204 J. M. Sandoval,)
 vs Appellee,)
 George F. Albright,) Appeal from District Court Bernalillo County.
 Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by associate Justice Pope, Chief Justice Mills, and Associate Justices Parker, McFie and Mann concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the appellee Jesus M. Sandoval, do have and recover of and from the appellant George F. Albright the sum of one thousand eight hundred and thirteen 25/100 (\$1813.25) dollars, with interest at the rate of six per cent per annum from date until paid, together with costs in this behalf expended for which let execution issue:

It is further considered and adjudged by the court that Jesus M Sandoval, appellee herein, do have and recover of and from W. H. Gillenwater, and Frank A. Hubbell, sureties in the supercedeas bond in the above entitled cause the sum of One thousand eight hundred and thirteen and 25/100 dollars together with costs of suit for which let execution issue.

No.1212 The Boulder Colorado Sanitarium,)
 vs Appellee,)
 Kate Vanstone,) Appeal from District Court Chaves County.
 Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills and associate Justices McFie, Parker and Abbott, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court the appellee The Boulder Colorado Sanitarium do have and recover of and from the appellant, Kate Vanstone One hundred and sixty dollars and sixty two cents (\$160.62 with interest thereon from this date until paid, together with costs in this behalf expended to be taxed for which let execution issue.

No. 1213
 Peter Sherman, et al.,
 vs
 Darius Hicks,
 Appellees,
 Appellant,
 Appeal from District Court, Chaves County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mann, Chief Justice Mills, and Associate Justices McFie, Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that Peter Sherman et al. appellees do have and recover of and from the appellant Darius Hicks the full sum of One hundred and thirty six 54/100 Dollars (\$136.54) with interest thereon at the rate of six per cent per annum from this date until paid, for which let execution issue.

In Re Admissions to the Bar.
 Hugh J. Collins

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and reports here to the court that the said committee finds Mr Hugh J. Collins a proper and suitable person to be admitted to the bar of this court, and upon motion of James M Hervey, Esq. it is considered and adjudged by the court that Hugh J. Collins be and he hereby is admitted as a solicitor attorney and counselor of this court upon taking the oath prescribed by the rules and subscribing the roll whereupon the said Hugh J. Collins appeared in open court and was duly sworn and subscribed to the roll. It is ordered by the court that the clerk of this court do issue to the said Hugh J. Collins a proper certificate of admission.

No. 1214
 The Territory of New Mexico,
 vs
 Tom Caldwell, et al.,
 Appellee,
 Appellant,
 Appeal from District Court Guadalupe County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by Renzo D. Bowers, Esq. for appellant and James M. Hervey Attorney General for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement:

No. 1215
 The Territory of New Mexico
 vs
 Jim West
 Appellee,
 Appellant,
 Appeal from District Court Chaves County.

This cause having come on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Renzo D. Bowers, Esq. for appellant and James M. Hervey Esq for appellee, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

A. D.

1908

William Mills.
Chief Justice etc.

Eleventh Day, Wednesday February 26th, A.D., 1908.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Richard DiPalma and Bernard Ruppe,	)	
1205	Appellees,	)	
	vs	)	Appeal from District Court Bernalillo County
	J. A. Weinman and Joseph Barnett	)	
	Appellants,	)	

It is ordered by the court that this cause be and the same hereby is reset for heraing for the 31st day of August A. D., 1908.

No.	In Re	)	
1201	W. J. Hittson,	)	Disbarment
	Member of the Bar	)	

It is ordered by the court that this cause be and the same hereby is peremptorily set for hearing as the first case on August 31st, A. D., 1908 at ten o'clock A. M.

No.	D. M. Reade,	)	
1166	Appellee,	)	
	vs	)	Appeal from District Court Dona Ana County.
	Pilar S. de Lea,	)	
	Appellant,	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Pope, Chief Justice Mills and Associate Justices McFie, and Mann, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore onsidered and adjudged by the court that the judgment of the district court in and for the County of Dona Ana, whence this cause came into this Court, be and the same hereby is affirmed, and that in accordance therewith, It is considered, Ordered, adjudged and decreed by the court that the estate in fee simple of the said plaintiff D. M. Reade, in the following described tracts of land and real estate, to wit:-

The northeast quarter (N.E. 1/4) of the northeast quarter (N.E. 1/4) and lots numbered one (1), five (5), six (6) and eight (8) of section twenty-four (24) in township twenty-one (21) south range one (1) west of New Mexico Meridian containing one hundred and sixty-three (163) acres and fifty-eight hubdredths (.58) of an acre, being the same land patented to Adolpho Lea by the United States of America on June 14th, 1893, Homestead Entry Certificate No. 924; Also lots numbered one (1), three (3), four (4) and seven (7) of section twenty-four(24) in township twenty-one(21) south of range one (1) west of New Mexico Meridian, containing one hundred and forty-four and five hundredths (144.05) acres, being the land patented to Eusebio Tapia by the United States of America on July, 30th, 1891, Homestead Certificate No. 1679; be and the same is hereby established against the adverse claim of the said defendant, Pilas S. de Lea, and t

that the said defendant be and she is hereby barred and forever estopped from having or claiming any right or title to the said premises adverse to the said plaintiff, and that the said plaintiff's title thereto be and the same is hereby forever quieted and set at rest, and that the said plaintiff have and recover of and from the said defendant his costs in this behalf incurred and expended to be taxed by the Clerk, for which let execution issue.

No. 1170

Anna Jaspar,

Appellee,

vs

Mira M. Wilson et al.,

Appellants

Appeal from District Court Bernalillo County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announced its decision by Associate Justice Parker, Chief Justice Mills and Associate Justices McFie, Pope and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore decreed by the court the specific performance of the contract alleged and set forth in the complaint herein and doth further decree a conveyance of the lands and premises described in said complaint by the defendant to the plaintiff.

And it is further ordered, adjudged and decreed that the real estate and premises described in said complaint and all the right, title and interest of the defendants herein be divested of said defendants, and the fee of said premises be vested in the plaintiff in fee simple, said real estate and premises being described as follows, to-wit;

Beginning at the southwest corner of lot numbered twelve, in block forty-four, running thence northerly along the west line of lot numbered twelve, eleven and ten, one hundred and fifty feet to the north line of lot numbered ten in said block, thence easterly along the north line of said lot number ten, ninety-four and two thirds feet, thence southerly across lots numbered ten eleven and twelve, one hundred and fifty feet to the north line of said lot numbered twelve, thence westerly along the south line of said lot numbered twelve ninety four and two thirds feet to the point and place of beginning, said tract being the west ninety-four and two thirds feet of lots numbered ten, eleven and twelve, in block forty-four of Hunning Highland Addition to the City of Albuquerque, New Mexico, as said lots and blocks are known and designated on said map of said Hunning Hiland Addition made by Otto Deickman, in accordance with a survey made by Marmon Bros and Pratt, United States deputy Surveyors, and filed in the office of the probate clerk and ex-officio recorder of said County of Bernalillo, on the 1st day of September 1882.

And it is further ordered, adjudged and decreed that the said defendants are to be divested of all their right, title and interest in fee to the said foregoing described premises, upon the payment by the plaintiff to the clerk of this court of the sum of seven hundred dollars heretofore tendered by the plaintiff to the defendant Mira M. Wilson, and upon such

payment by the plaintiff to the clerk of this court of said sum of seven hundred dollars and upon the receipt of said sum of seven hundred dollars by said clerk, the title in fee simple of said premises above described is vested and doth vest in the plaintiff, and said defendants are divested of all their right, title and interest therein, the evidence of such payment, title and interest therein, the evidence of such payment in this court by the plaintiff of said sum of seven hundred dollars to be made by the receipt of the clerk thereof, recorded and annexed to this decree and upon the receipt of said money by said clerk and the record thereof, the said title to said premises is vested and doth vest in the plaintiff, and the probate clerk of the County of Bernalillo is authorized and directed to cancel the record of the deed of the above described premises to Mira M. Wilson, the defendant. To Arthur E. Walker, defendant, recorded in the office of the probate clerk and ex-officio recorder of the County of Bernalillo, on the 15th day of December, 1904, in warranty deed record number 41, page 197, so far as said deed is a cloud upon the title to the plaintiff to said premises hereinbefore described, and the said probate clerk and ex-officio recorder aforesaid is further authorized and directed to cancel the record of the deed of the defendant Arthur E. Walker, to the defendant Raymond H. Lester, of that part of the premises hereinbefore described which said deed of conveyance was recorded in the office of the probate clerk and ex-officio recorder of the County of Bernalillo on the 15th day of December 1904, in warranty deed number 41, page 205, so far as said deed and the record thereof is a cloud upon the title of the plaintiff to said premises, and the said probate clerk and ex-officio recorder aforesaid is authorized and directed to cancel the record of the deed of that part of said premises conveyed by the defendant Arthur E. Walker to the defendant Benton S. Jackson and which said deed of conveyance was recorded in the office of the probate Clerk and ex-officio recorder of the county of Bernalillo on the 15th day of December, 1904, in warranty deed record number 41, at page 227; and the said probate clerk and ex-officio recorder of the county of Bernalillo is ordered to cancel the above mentioned record of deeds and to enter of record in his office, the cancellation of said deeds and the record of said deeds, so far as said deeds and the record thereof are a cloud upon the title of the plaintiff to said premises, and as to this plaintiff's right and title to said premises said deeds are decreed to be of no force, effect and validity; and it is further ordered and adjudged that the said defendants within ten days from date of entry of this decree produce said deeds in this court for cancellation by this court.

And it is further ordered, adjudged and decreed that the plaintiff is to be let in possession of the said premises and each and every part thereof, upon the production of a certified copy of this decree.

It is further ordered, adjudged and decreed that the plaintiff have and recover of and from the defendants and appellants her costs and disbursements in this action to be taxed by the clerk and that said plaintiff have execution against the defendants and appellants therefor.

It is further ordered, adjudged and decreed that the plaintiff may apply for other and further relief at the foot of this judgment and decree.

No. 1206

Territory of New Mexico
vs
Manuel Sanchez y SanchezAppellee,
Appellant,

Error to District Court Torrence County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices McFie, Parker and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Torrence, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said defendant Manuel Sanchez y Sanchez, be and he hereby is removed from the office of sheriff of the County of Torrence, and that the said office is hereby declared to be vacant; that the said plaintiff recover of said defendant its costs in this behalf expended, to be taxed, and that it have execution therefor.

No. 1222

Home Savings Bank of Des Moines Iowa,
Appellee,
vs
K. S. Woodruff, et al.,
Appellants,

Appeal from District Court Chaves County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices McFie, Parker and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith It is considered and adjudged by the court that the Home Savings Bank of Des Moines Iowa, a corporation do have and recover of and from the defendant K. S. Woodruff, E. A. Cahoon, R. F. Barnett and The First National Bank of Roswell, a corporation the sum of One Thousand four hundred and ninety five 46/100 (\$1,495.46) Dollars, together with six per cent interest per annum, thereon, from this date until paid, for which let execution issue.

It is further adjudged by the Court that the said Home Savings Bank of Des Moines Iowa, a corporation, do have and recover of and from L. K. McGaffey, and Charles W. DeForest sureties on the supercedeas bond for appellants herein the full sum of One Thousand Four Hundred and ninety-five 46/100 (\$1,495.46) Dollars together with interest thereon at the rate of six per cent per annum, together with the costs of this prosecution to be taxed for which let execution issue.

No. 1204. Jesus M. Sandoval,)
 Appellee,)
 vs George F. Albright, e) Appeal from District Court Bernalillo County.
 Appellant,)

This cause coming on before the court upon the motion of appellant for further time within which to file motion for rehearing, and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged and decreed by the court that the appellant do have twenty days from this date within which to file motion for rehearing herein.

No. 1152. Stearns Roger Manufacturing Company et al)
 Appellees,)
 vs Aztec Gold Mining & Milling Co et al,) Appeal from District Court Colfax County.
 Appellants,)

This cause coming on on arguments for motion for a rehearing, is argued by C. A. Spiess for the appellants the Maxwell Land Grant Company, and W. L. Hartman, Est. for appellees, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement. It is further ordered by the court that appellants have thirty days from this date to file printed briefs herein on motion for rehearing.

No. 1166. D. M. Reade,)
 Appellee,)
 vs Pilar S. de Lea,) Appeal from District Court Dona Ana County,
 Appellant,)

It is ordered by the court upon motion of appellants that the appellant do have thirty days from this date within which to file motion for rehearing.

It is ordered that the court do now adjourn until Monday the thirty first day of August at ten o'clock A. M.

William J. Mills
 Chief Justice etc

Day, In Vacation, *March* February 3rd,

A. D.

1908

No. 1190

Jesus Ma Sandoval,

Appellee,

vs

George F. Albright

Appellant,

Appeal from District Court Bernalillo County.

Whereas on the Thirteenth day of January A.D., 1908, in cause No. 1190, entitled, Jesus Maria Sandoval, appellee vs George F. Albright, Appellant, lately pending in this court judgment was rendered in said court in favor of the said plaintiff and appellee and against said defendant and appellant for the sum of \$5,762.56, and all costs in that behalf expended, and

Whereas, a writ of error to the Supreme Court of the United States of America, has been sued out of the office of the Clerk of this Court, by the said defendant and appellant and

Whereas, a supercedeas bond in the sum of \$11,500 with two good and sufficient sureties has been filed in the office of the clerk of this court, and the said supercedeas bond has been duly approved both as to form and sufficiency of sureties thereon,

Therefore, It is ordered by the court that all further proceedings tending to the enforcement and collection of the said judgment be and the same hereby are superceded and suspended pending the determination of the said writ of error, herein sued out, by the Supreme Court of the United States.

William J. Mills,

Chief Justice Supreme Court of New Mexico, etc.

Las Vegas March 2, 1908

No. 1204

Jesus Ma. Sandoval,

Appellee

vs

George F. Albright,

Appellant,

Appeal from District Court Bernalillo County.

This cause coming on to be heard upon the above petition of the appellant, it is ordered and decreed that the said appellant be and he is hereby granted an appeal from the Judgment and decree of this court in the above Entitled cause to the Supreme Court of the United States, and is granted a supercedeas upon filing a proper bond.

William J. Mills,

Chief Justice Supreme Court of the Territory of New Mexico

Las Vegas March 2nd, 1908

No. 1204

Jesus M. Sandoval?

Appellee,

vs

George F. Albright,

Appellant,

Appeal from District Court Bernalillo County.

Whereas, on the 25th day of February A. D., 1908, in cause No. 1204, entitled Jesus M. Sandoval, appellee, vs George V. Albright, appellant lately pending in this court, judgment was rendered in said court in favor of the said plaintiff and appellee, and against the said defendant and appellant for the sum of \$1,813.25 and all costs in that behalf expended, and,

Day, In Vacation February 3rd,

A. D. 1908

Whereas, an appeal to the Supreme Court of the United States of America, has this date been granted from this court to the Supreme Court of the United States of America, and

Whereas, a supercedeas bond in the sum of \$3,650, with two good and sufficient sureties thereon, has been filed in the office of the Clerk of this court, and the said supercedeas bond has been duly approved both as to form and sufficiency of sureties thereon,

Therefore, It is ordered by the court that all further proceedings tending to the enforcement and collection of the said judgment be and the same hereby are superceeded and suspended pending the determination of the said appeal, by the Supreme Court of the United States.

William J. Mills,

Chief Justice Supreme Court
of New Mexico

Las Vegas, March 2, 1908.

Twelfth day, Monday August 31st, A. D., 1908.

Court met pursuant to adjournment.

Present Honorable William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable Edward A. Mann, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice

David J. Leahy United States Attorney

C. M. Foracer by C. Newcomer Deputy United States Marshall

James M. Herbey, Attorney General

Jose D. Sena Clerk.

Record of Wednesday February 26th, A. D., 1908 was read and approved.

It was ordered by the court that Charles F. Abreu be and he hereby is appointed bailiff for the present session of this court.

No. 1161	John Jenkins,	)	
	Plaintiff in Error,	)	
	vs	)	Error to District Court Colfax County
	The Maxwell Land Grant Co.,	)	
	Defendant in error	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1209	The Santa Fe Raton & Des Moines R.R.Co.?	)	
	Appellant	)	
	vs	)	Appeal from District Court, Colfax County.
	St Louis Rocky Mountain & Pacific R.R.Co.)	)	
	Appellee,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1225	United States of America,	)	
	Plaintiff in Error	)	
	vs	)	Error to Third Judicial District Court
	Oliver Lee et al.,	)	
	Defendant in error	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1227	George K. Neher,	)	
	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Angelo Viviani et al.,	)	
	Appellees	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1232 F. H. Jones, Trustee etc,
vs Chas Springer
Appellant
Appellee,
)) Appeal from District Court Colfax County.

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1233 The Territory of New Mexico
vs Chas K. Newhall, et al.,
Appellant,
Appellees
)) Appeal from District Court Bernalillo County

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1235 The Territory of New Mexico,
vs Robert Leslie et al.,
Appellee
Appellant
)) Appeal from District Court Otero County

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1237 Arizona & Colorado R.R.Co. of New Mexico,
vs Denver & Rio Grande R. R. Co.,
Appellee,
Appellant,
)) Appeal from District Court San Juan County.

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1239 United States of America,
vs M. E. Cook,
Appellee,
Appellant,
)) Appeal from Third Judicial District Court

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1238 T. A. Fabro,
vs Town of Gallup,
Appellee,
Appellant
)) Appeal from District Court McKinley County.

This cause coming on for hearing upon the transcript of record, assignment of errors and brief of counsel, is submitted to the Court on briefs and taken under advisement It is ordered by the court that the appellee herein do have thirtay days from this date within which to file his briefs herein .

Day, Monday August 31st,

A. D.

No. 1243

W. B. Mersfelder and Philip Mersfelder)
Appellants)
vs)
Tranquillino Garcia et al.,)
Appellees)

Appeal from District Court Union County

This cause coming on before the court upon the motion of appellee herein to docket this cause and affirm the judgment of the court below, for the reason that the appellants herein had failed to perfect their said appeal, and presents here to the court a transcript of the judgment of the district Court and the court being sufficiently advised in the premises allows the said motion. It is therefore considered by the court that this cause be and the same hereby is ordered docketed, and that the judgment in and for the county of Union whence this cause came into this court be and the same hereby is affirmed. and that in accordance therewith It is considered and adjudged by the court that the plaintiff taken nothing by their said suit; that the cattle described in plaintiff's complaint, towit:- 215 head of stock cattle of various ages and sexes, 15 head of same being branded 00 (double circle bar), and 200 head being branded "IN, be by these plaintiffs delivered into the possession of the Sheriff of said Union County, within forty days from the date hereof.

And further, that the sheriff of said Union County be and he is hereby directed to receive and sell the said cattle in accordance with the judgment and order of this court heretofore rendered in cause No. 406, on the 12th day of June, 1906.

And, further, that the defendant and intervenor have judgment for their costs in this behalf expended, and that said costs be taxed by the clerk of this court, and that execution issue therefor.

No. 1231

Donaciano Gallegos,)
Appellee,)
vs)
E. M. Sandoval)
Appellant,)

Appeal from District Court Bernalillo County.

This cause coming on upon the motion of the appellant herein for a diminution of the record, and asking for a writ of certiorari and the court being sufficiently advised in the premises, it is ordered that a writ of supercedeas issued to the said Clerk of the district Court in and for the county of Bernalillo.

No. 1097

First National Bank of Albuquerque)
Appellee)
vs)
George F. Albright et al.,)
Appellant,)

Appeal from District Court Bernalillo County.

Now comes the said defendants and appellants, by their Attorney Frank W. Clancy, and presents to the court a mandate from the supreme court of the United States, from which it appears that said supreme court of the united States has affirmed the judgment of this court in this cause, and move the court for a judgment in accordance with said mandate, which motion is granted by the Court It is therefore in pursuance of the judgment heretofore entered herein in this court, which has been affirmed by the Supreme Court of the United states that the judgment of the District Court in and for the county of Bernalillo, whence

this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to dismiss the complaint. It is further adjudged and decreed by the court that the said appellants do have and recover of and from the appellee herein their costs in this behalf expended for which let execution issue.

No.	Jose Dolores Marquez, et al	)	
1007	Plaintiffs in error	)	
	vs	)	Error to District Court Colfax County.
	The Maxwell Land Grant Company	)	
	Defendant in error,	)	

Now comes the said defendants in error herein and present here to the court a mandate from the Supreme Court of the United States from which it appears that the appeal herein taken by the plaintiffs in error from the judgment and decree of this Court has been by the Said Supreme Court of the United States dismissed and held for naught. It is therefore considered and adjudged by the court that the judgment of this court heretofore entered herein be and the same is in full force and effect.

No.	H. C. Crary, et al.,	Appellants	)	
1113	vs		)	Appeal from District Court Bernardo County.
	Benjamin H. Dye, et al.,	Appellees	)	

Now comes the the appellees herein by their attorney Thomas D. K. Maddison and presents hereto the court a mandate from the Supreme Court of the United States from which it appears that the judgment of the Supreme Court herein has been affirmed by the said Supreme Court of the United States, and the court being sufficiently advised in the premises, It is ordered by the Court that the judgment and decree of this court heretofore entered herein in this cause be and the same hereby is put in full force and effect.

Et is ordered by the court that Messrs E. C. Wade and C. J. Roberts be and they hereby are appointed to act with the committee heretofore appointed to examine all applicants for admission to the bar of this Court.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller
Chief Justice etc.

Thirteenth Day, Tuesday September 1st, A. D., 1908

Court met pursuant to adjournment,

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1055 Solomon Luna, Plaintiff in Error,)
vs) Error to District Court Santa Fe County.
Serrillos Coal Railroad Company)
Defendant in error)

It is ordered by the court this this cause be and the same hereby is continued for the term.

In Re Admission to the Bar:

Now comes the committee heretofore appointed to examine all applicants for admission to the Bar of this Court, and reports here to the court that they find Glen C. Morgan William F. Baker, Andrew G. Pollock, Edwin C. Wilson, Eugene Forbes, James C. Davis, B. H. Thompson and Francis E. Wood, proper and suitable persons to be admitted to the bar of this Court, and upon motion of James M. Hervey, It is ordered by the court that Messrs Glen C. Morgan, William F. Baker, Andrew G. Pollack, Edwin C. Wilson, Eugene Forbes, James C. Davis B. H. Thompson and Francis E. Wood, be and they hereby are admitted as attorneys solicitors and councilors of this court upon signing the roll and taking the oath of office, and that Messrs Edwin C. Wilson and B. H. Thomas be granted until the first day of the January term 1909 to appear and sign the roll and take the oath of office whereupon the above named appeared in open court and were duly sworn and sign the roll.

Now comes James M. Hervey and suggests here to the Court the death of William B. Childers and William C. Wrigley and the court appointed a committee consisting of Messrs E. W. Dobson, James M. Hervey and Jerry Leahy to prepare and present proper resolutions of respect to the memory of Messrs Childers and William C. Wrigley,.

No. 1140 The Territory of New Mexico)
Appellant,)
vs) Appeal from District Court Guadalupe County.
Charles Jones,)
Appellee,)

It is ordered by the court that this cause be and the same hereby is advanced to the head of the Docket.

It is ordered by the court that the second paragraph of rule Five of the printed rules of this Court be amended by striking out the word ten in line seventh of said paragraph and inserting in lieu thereof the word "fifteen" so that the said Paragraph may read as follows

"The clerk of the court in which any appeal shall be allowed or to which a writ of error shall be directed, shall make return of the same by transmitting a true copy of the record and of all the proceedings in the cause under his hand and seal, of the court, and whenever

printing is required by law, the appellant or plaintiff in error, shall on or before the first day of the term to which the case is returnable, file with the clerk of this court fifteen printed copies of said record and proceedings, and serve two copies thereof on the adverse party, his attorney or counsel."

Be it further ordered by the court that section four of rule fifteen of the printed rules of this court be amended by striking out the word "ten" and inserting in lieu thereof the word "fifteen" so that the said section four shall read as follows:

"Fifteen printed copies of the abstract, points and authorities required by this rule shall be filed with the clerk, and two copies thereof shall be served on the adverse party, his attorney or counsel, by the plaintiff in error or appellant at least ten days before the case is set for argument and by the defendant in error or appellee at least three days before the case is set for argument."

William J. Mills,

Dated Santa Fe, N. M. September 1st, 1908.

Chief Justice etc

No. 1230	Joseph Schmidt	)	
	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County
	Southwestern Brewery & Ice Company	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellee herein for affirmance and the court being sufficiently advised in the premises denies the same motion It is therefore considered by the court that the motion of appellee for affirmance herein be and the same hereby is denied.

This cause coming on for argument upon the transcript of record and briefs of counsel is submitted to the court on briefs, and the appellee herein is given thirty days from this date to file his brief and the appellant thirty days thereafter to reply.

Mr H. B. Holt, Suggested to the Court the Death of Ex-Associate Justice of this Court Hon Daniel H. McMillan, whereupon the court appointed Messrs H. B. Holt A. B. Renehan and Chas- B. Ward to prepare and present proper resolutions of respect as to Hon Daniel H. McMillan.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills
Chief Justice etc.

Fourteenth day, Wednesday September 2nd, A. D., 1908

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1229	J. A. Street	)	
		: Appellant	)
	vs		) Appeal from District Court Union County.
	Minnie Smith	Appellee	)

This cause coming on to be heard on the motion of appellee herein to affirm the judgment of the court below, and the court having had the said motion under advisement and being sufficiently advised in the premises, overrules the same. It is therefore considered and adjudged by the court that the motion for affirmance of appellee herein be and the same hereby is overruled.

No. 1234	In the Matter Of the Voluntary assignment)	
	Of Charles Zeiger	) A peal from District Court Bernalillo County.

This cause coming on before the court upon the motion of appellant for a diminution of the record and asking for a writ of certiorari upon the clerk of the second judicial District and the court having had the said motion under advisement and being fully advised in the premises grants the same. It is therefore considered and adjudged by the court that a writ of certiorari in accordance with the motion of appellant herein do now issue

No. 1155	D. M. Reade,	)	
		Appellee,	)
	vs		) Appeal from District Court Dona Ana County.
	Pilar S. de Lea	Appellant	)

This cause coming on for hearing upon the motion of appellant herein for a rehearing and the court having had said motion under advisement and being sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is overruled and denied.

of the death
It is further ordered by the court that the suggestion of the appellant herein having been made to the court that Theresa Arnett, Katie Reade Robert Lea, Mary Buquor and Aron H. Lea be and they hereby are substituted appellants in the place of the said Pilar S. de Lea. as parties to said suit. It is therefore considered, ordered and adjudged by the Court that the estate in fee simple of the said plaintiff D. M. Reade in the following described tracts of land and real estate, to-wit:- The Northeast Quarter (N.E. 1/4) of the northeast quarter (N.E. 1/4) and the lots numbered one (1), five (5), six (6) and eight (8) of section twenty-four (24) in township twenty-one (21) south of range one (1) west of New Mexico Meridian, containing one hundred and sixty-three (163) acres and fifty eight hundredths (.58) of an acre being the same land patented to Adolpho Lea by the United States of America on June 14th, 1893, Homestead Entry Certificate No. 924; Also lot numbered one (1) of section twenty-three

Fourteenth

Day,

Wednesday September 2nd

A. D.

1908

(23) and lots numbered two (2), three (3), four (4) and seven (7), of section twenty four (24) in township twenty one (21) south of range one (1) west of New Mexico Meridian, containing one hundred and forty-four and five hundredths (144.05) acres, being the land patented to Eusebio Tapia by the United States of America, on July 30th, 1891, Homestead Certificate No. 1679. be and the same is hereby established against the adverse claim of the appellants Theresa Arnett, Katie Reade, Robert Lea, Mary Buquor, and Aron H. Lea and that the said appellants be and they are hereby barred and forever estopped from having or claiming any right or title to the said premises adverse to the said appellee, and that the said appellee's title thereto be and the same is hereby forever quieted and set at rest, and that the said plaintiff have and recover of and from the said appellants his costs in this behalf expended to be taxed for which let execution issue.

No.	Anna Jaspar	)	
1170	Appellee,	)	
	Mira M. Wilson, et al.,	)	Appeal from District Court Bernalillo County.
	Appellants.,	)	

This cause coming on before the court upon the motion of appellants herein for a rehearing and the court having had the said motion under advisement and being sufficiently advised in the premises overrules the same It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied.

No.	Eloisa L. de Bergere et al.,	)	
1180	Appellee,	)	
	vs	)	Appeal from District Court Santa Fe County.
	Luciano Chavez et al.,	)	
	Appellants,	)	

This cause coming on before the court upon the motion of appellants herein for a rehearing and the court having had the said motion under advisement and being now sufficiently advised in the premises denies the said motion It is therefore considered and adjudged by the court that the motion of appellants herein for a rehearing be and the same hereby is denied.

No.	Territory of New Mexico,	)	
1193	Appellant	)	
	vs	)	Appeal from District Court Bernalillo County.
	C. C. Lotspeich	)	
	Appellee,	)	

This cause coming on before the court upon the motion of appellee herein for a rehearing and the court having had the said motion under advisement and being sufficiently advised in the premises denied said motion It is therefore considered and adjudged by the court that the motion of appellee herein for a rehearing be and the same hereby is denied.

No.	The Boulder Colorado Sanitarium	)	
1212	Appellee,	)	
	vs	)	Appeal from District Court Chaves County.
	Kate Vanstone,	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellant herein for a rehearing and the court having had the said motion under advisement and being sufficiently advised in the

premisses denies the same It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is denied.

No. 1167 Mariano F. Sena)
Plaintiff in error,)
vs) Appeal from District Court Santa Fe County.
The American Turquoise Co.,)
Defendant in error,)

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Frank W. Parker, Associate Justices Abbott Mann and McFie concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith It is considered and adjudged by the court that the said defendant in error go hence without day and recover of the plaintiff in error Mariano F. Sena its costs in this behalf expended for which let execution issue.

No. 1184 United States of America)
Appellant)
vs) Appeal from District Court Second Judicial Dist.
John Meyers alias John Mouse.)
Appellant,)

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court having had the same under advisement and being now sufficiently advised in the premises announces its decision by Associate Justice Frank W. Parker Chief Justice Mills and Associate Justices Pope and Mann concurring McFie dissenting, reversing the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the second Judicial District be and the same hereby is reversed with directions to award a new trial.

No. 1202 Elgin Douthitt, who sues by his next friend)
Thomas J. Douthitt Appellee)
vs) Appeal from District Court Chaves County
Joshua B. Bailey)
Appellant)

This cause having been argued by counsel and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Parker, Abbott, and Mann Affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chavez, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith it is considered and adjudged by the court that the appellee do have and recover of and from the appellant the sum of Two Hundred (200.00) Dollars with interest thereon at the

December 1st, 1906

rate of six per cent per annum from ~~date of arrest~~ until paid, together with costs of this action to be taxed for which let execution issue

No.	Territory of New Mexico	)	
1214	vs	)	
	Appellee,	)	
	Tom Caldwell and Lee Caldwell	)	Appeal from District Court Guadalupe County.
	Appellants	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Parker Pope and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Guadalupe, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court and it the judgment of the court that the said Lee Caldwell be remanded to the custody of the Sheriff of Guadalupe County, New Mexico, to be by him safely kept until such time as he, the said sheriff can convey him, the said defendant to the custody of the Superintendent of the Territorial Penitentiary to be by him safely confined at hard labor for the period of two years from the date of the sentence hereof; that he pay the costs of this prosecution to be taxed, and that he stand committed until such costs are fully paid.

It is further the judgment and sentence of the court that the said Tom Caldwell, defendant be remanded to the custody of the sheriff of Guadalupe County, New Mexico to be by him safely kept until such time as he, the said sheriff can conveniently convey him, the said defendant, into Santa Fe New Mexico, and there deliver the said defendant, into the custody of the Superintendent of the Territorial Penitentiary to be by him confined at hard labor for the period of three years from date of the sentence hereof; that he pay the costs of this prosecution to be taxed and that he stand committed until such costs are fully paid.

No.	The Territory of New Mexico	)	
1219	vs	)	
	Appellee,	)	
	Jim West	)	Appeal from District Court Chaves County
	Appellant	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills and Associate Justices Abbott Parker and Mann concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Chavez whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the said defendant Jim West, be imprisoned in the territorial penitentiary situate at Santa Fe, New Mexico, for the full term of four years and that he pay the costs of this prosecution and that he stand committed until the costs are paid in full

In Re Admissions to the Bar:

Now comes the committee heretofore admitted to examine all applicants for admission to the bar, and report here to the court that they find Messrs H. M. Dow, Herbert W. Clark, Francis C. Wilson, Frank W. Sherron, Allen G. Fletcher, Jose C. Espinosa, George R. Craig, Prosper Sherry, and J. A. Miller, proper and suitable persons to be admitted to the bar of this court, and upon motion of James M. Hervey, It is considered and adjudged by the court that H. M. Dow, Herbert W. Clark, Francis C. Wilson, Frank W. Sherron Allen G. Fletcher Jose C. Espinosa, George R. Craig, Prosper Sherry and J. A. Miller, be and they hereby are admitted as attorneys solisicotr and counselors of this Court, upon the signing the roll and taking the oath of office and the clerk of this Court is hereby directed to issue to the said named persons proper certificate of admission Whereupon they each and all of the above named persons appeared in open court and were duly sworn and subscribed to the roll.

No. 1201

In Re W. J. Hittson, Member of the Bar) Disbarment

This case coming on to be heard, and issue having heretofore been joined the case proceeds to be heard before the court, and the testimony of the witnesses for the relator having been heard, the cause is continued until tomorrow morning at two P. M.

It is hereby ordered by the court that Mr Frank W. Sherron be and he hereby is appointed stenographer for the court to take testimony in the case of In Re W. J. Hittson

No. 1192

First National Bank of Tucumcari Appellee, vs Caba Adams and L. E. Speed, Appellants,) Appeal from District Court Quay County.

This cause coming on for argument upon the transcript of record, assignment of errors and brief of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement:

It is ordered and considered by the court that the appellant herein do have sixty days from this date within which to file briefs herein.

No. 1241

Territory of New Mexico Appellant, vs Pedro Gonzales, Appellee,) Appeal from District Court Dona Ana County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the Court on Briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellee do have sixty days from this date within which to file his brief herein.

It is ordered by the court that the following allowances be and they hereby are made and the clerk of this court is hereby directed to draw his warrant in payment of the same against the United States Marshal for the District of New Mexico viz:-

Melquiades Abeytia	Witness	4 days Travel,	3 Days Attendance,	546 Miles	\$ 55.30
Elmer E. Studley	"	2 "	3 "	388 "	34.40
Chas A. Spiess	"	2 "	3 "	138 "	23.40
J. A. Street	"	2 "	3 "	476 "	38.80
Cabe Adams	"	2 "	3 "	2 "	9.30
Wm. E. Gortner	"	2 "	3 "	138 "	23.40

No 1201 In re W. J. Hittson

) Disbarment

It is ordered by the court that an attachment issue forth for the person of Claudio Gomez, to appear and show cause why he should not be punished for contempt for not obeying the summons of this court heretofore issued in this cause.

It is ordered that the court do now adjourn until tomorrow morning at ten A. M.

William J. Miller
Chief Justice etc.

Fifteenth day, Thursday September 3rd, 1908.

Court met pursuant to adjournment.

Present as upon yesterday

Record as yesterday's proceedings is read and approved.

No. 1131	Peter Kitchen		)	
		Appellee,	)	
	George Schuster		)	Appeal from District Court McKinley County.
		Appellee,	)	

This cause coming on upon the motion of appellant herein by His attorney Neill B. Field to recall the mandate of the court heretofore issued herein, and asking the court to remand this cause to the District Court with instructions to the said Court to grant a new trial and the court being sufficiently advised in the premises, It is considered and adjudged by the court that this mandate herein issued heretofore be and the same hereby is recalled. It is further ordered by the court that this cause be and the same hereby is remanded to the District Court in and for the county of McKinley whence this cause came into this court with instructions to grant a new trial and to proceed therein in accordance with the opinion of this court.

In Re

William B. Childers, and William C. Wrigley

Resolutions of respect:

Now comes the committee heretofore to prepare and present to the court proper resolution of respect as to the death of William B. Childers and William C. Wrigley, and presents the following report:

"Santa Fe, New Mexico September 2nd, 1908.

To the Honorable Chief Justice and Associate Justices

of the Supreme Court of New Mexico.

We the undersigned committee appointed to draft resolutions on the death of William Burr Childers and William C. Wrigley, respectfully submit the following:

William Burr Childers was born in Pulaski, Giles County, Tennessee, on the 20th day of March, 1854. He died in the city of Albuquerque New, on the third day of March, 1908. He came from hardy stock, his father being of English and his mother of French Huguenot descent. After finishing the local schools of his native town, he entered Washington University, in September, 1870, upon the death of its famous President, General Robert E. Lee, a month later that institution took the name of Washington and Lee University, from which Mr Childers received the degrees of Bachelor of Arts and Bachelor of Law, the latter in June, 1874. He was admitted to the bar at the age of twenty-one years, and soon thereafter went to the city of St Louis, Missouri, where he practiced law until January, 1880, when he came to New Mexico and located in Albuquerque, where he resided until the time of his death.

On the 12th day of June, 1896, he was appointed United States Attorney for New Mexico by

President Cleveland, for a period of four years, and on the expiration of his term of office was reappointed by President McKinley for a like term.

On all public questions he was an active and aggressive leader. He was honest, conscientious and determined. There was no uncertainty as to his attitude upon a given question. Having espoused a cause, he advocated it with all the enthusiasm of his ardent nature.

Mr Childers was a ripe scholar, a sound thinker and a brilliant lawyer. He was aggressive, tenacious and determined, and admitted defeat only on appeal to the court of last resort. He possessed in the highest degree the moral courage necessary for great achievements, as a lawyer. He was faithful, loyal and devoted to the interests of his clients. Possessed of a natural legal mind, a liberal education through legal training, marvelous capacity for work, and ripe experience, he was a formidable antagonist in a legal battle.

WILLIAM C. WRIGLEY was born April 9, 1850, in the city of Philadelphia, Pennsylvania, and died at Raton New Mexico, June 10, 1908. After reaching his majority, he taught commercial law in the city of his birth for the period of two years. Was admitted to practice in all the courts of Pennsylvania in the year 1877. He continued the practice of law in Philadelphia until the year 1882, when he removed to the Territory of New Mexico and continued to practice in all the courts of this Territory until the time of his death, except during the year 1893, when he practiced in the Colorado courts, while residing in the City of Denver.

Mr Wrigley was elected President of the New Mexico Bar Association and served during the year 1904. He became a member of the Association in 1891, and was a very active and useful member. The three years prior to his death he was City Attorney of the City of Raton. During his many years of practice at the New Mexico bar, he became well and intimately known throughout the entire Territory. He was a faithful and respected practitioner. He was a man of social and congenial nature; was very kind and benevolent, and no young lawyer ever sought his advice or assistance without receiving the same in a gracious manner. His greatest satisfaction in life was pleasing and delighting his friends.

Mr Wrigley was a very public spirited citizen and took great pleasure in furthering every public enterprise coming within his sphere.

THEREFORE BE IT RESOLVED, That in the death of these two members of the bar, the Territory has lost two of its most prominent citizens, the Territorial Bar Association two of its honored Presidents, the courts their ablest and most courteous advocates, and the profession two of its leading and social lawyers.

BE IT RESOLVED FURTHER That a copy of this report be spread upon the records of the court, and that engrossed copies hereof be sent to the families of the deceased.

J. M. Hervey,

J. Leahy

E. W. Dobson.

No. 1166 D. M. Read,
 vs Appellee,
Theresa Arnett et al.,
 Appellants

Appeal from District Court Dona Ana County

Now come the appellants by their Attorney N. C. Franger, and move the court to be granted an appeal to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the appellants herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

No.1240 Territory of New Mexico
vs Appellant
Charles R. Jones, Appeal from District Court Guadalupe County.
Appellee.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by James M. Hervey Attorney General for appellant, and J. E. Wharton Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1217 Gallup Electric Light Company,
 Appellee,
) vs
 Pacific Improvement Company
 Appellant,

)
)
) Appeal from District Court McKinley County.
)
)

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1218 Henry Lockhart,)
 Appellee,)
 vs) Appeal from District Court Bernalillo County.
 The Washington Gold & Silver Mining Co.)
 Appellant,)

It is ordered by the court that this cause be and the same hereby is continued for the term.

In Re Daniel H. McMillen

Now comes the committee heretofore appointed to prepare and present to the Court proper and suitable resolutions of respect as to the death of Hon Daniel H. McMillan Ex-Associate Justice of this Court and present the following report:

"To the Honorable Chief Justice and Associate Justices of the Supreme Court of the Territory of New Mexico.

We, the undersigned members of the committee heretofore appointed to draft resolutions of respect to the memory of Honorable Daniel H. McMillan, deceased, formerly an Associate Justice of this Court and presiding judge of the Fifth Judicial District Courts thereof, respectfully submit the following resolution, to wit:-

RESOLVED; That in the death of Judge McMillan the bar of New Mexico has lost one of

of its most able members, the Territory one of its best citizens and his family a kind, loving and indulgent husband and father;

RESOLVED; That this court and the members of its bar hereby express their profound respect and admiration for the deceased their heartfelt sympathy for his family;

RESOLVED; That the eulogy delivered upon the life of the deceased by the Honorable Chief Justice of this court, before the New Mexico Bar Association be adopted as a part of this report and that same, together with these resolutions, be spread upon the minutes of this court and a copy transmitted by the clerk of this Court to the widow of the deceased.

Respectfully Submitted

H.B.Holt,
Chas W.G. Ward,
A.B.Renehan,
Committee.

EULOGY OF CHIEF JUSTICE MILLS

"MR. PRESIDENT, LADIES AND GENTLEMEN:-

I have been requested, doubtless because I am Chief Justice of the Supreme Court of this Territory, to say a few words as a tribute to the memory of one, with whom I sat on the bench of the Supreme Court of New Mexico for several years, and who has passed away since the last meeting of the Bar Association.

I know that I am but ill equipped to perform this loving duty and that there are many others who could have been selected who would have done it with far more ability and eloquence than myself, and yet, there are few who esteemed Judge McMillan more than I? or who would have gone farther to aid and assist him, than myself.

It is a strange provision of what for a better term we may call the Law of Nature, that everything upon earth, both animate and inanimate, must have an end, and that at the best the life of every animate thing is but of brief duration, while the existence of even inanimate things, when compared to eternity, are as nothing. Science teaches us that even the earth, which is apparently so solid and bound to endure forever, is living its life, and that in time it will be uninhabitable by man, and that it will probably disintegrate and pass away. Of all living beings, man is easily the superior and comes first, owing to the fact that he is not guided by mere instinct but can reason, can judge of cause and effect, and knows the difference between right and wrong. Brute creatures are subject to his will, and such of them as have the strength and other necessary qualities, are tamed and subject to do his bidding. But even though man is so immeasurably superior to the brute creation, yet our finite minds are so weak that we cannot understand why we are given life, almost made divine and brought upon the earth to have some happiness, and to suffer pain and sorrow, to toil and labor, and after so brief a time to pass away, to return again to the elements from which we were originally created.

And yet, although we all know that we are so soon to pass away and join those who have already gone before, there is something, I know not what, deeply implanted in the breast of every human being, which prompts us to remember the friends and associates with whom we have been intimately connected in this transitory life, and not allow their memories to be forgotten. This is a good trait in man and should be commended by all.

We cling to the memory of those with whom we have been intimately associated, either socially or in business, with the tenacity of the vine encircling the forest tree, and their actions, words and virtues linger in our memories long after they have passed away and their mortal bodies are mouldering in their silent graves.

So it is with us today. We are met to do tribute to the memory of one who for some years was a member of our supreme court; whose life had always been an active one, and who was cut off unexpectedly, in the prime of his manhood, when he had so much to live for, and when he could have done so much to aid and assist in the upbuilding of humanity and in the developing of our Territory.

Daniel Hugh McMillan, as his name would indicate, was of Scotch ancestry, but for several generations before his birth his ancestors had lived in what is now the United States. His Grandfather, John, was quite prominent in the latter part of the eighteenth century in the beautiful Mohawk Valley, in Central New York. Judge McMillan was the son of Daniel and Margaret McMillan, and was born in the town of York, Livingston county, New York, on March 7th, 1846. He was educated at the common schools in York, and at Le Roy Academy, and later, in the year 1868 and 1869, attended Cornell University. He was a member of the first class which graduated from that institution of learning.

After leaving Cornell he moved to Buffalo, and entered the law office of Lanning, Cleveland & Folsom, one of the members of which firm was afterwards twice elected President of the United States, and which was then one of the leading law firms of Western New York. In this office he pursued his studies of the law, and in 1872, he passed the State Bar examination and was admitted to practice his chosen profession.

Shortly after his admission to the bar he became a member of the firm of Lanning, Gluck & McMillan, which firm afterwards became McMillan, Gluck, Pooley and DePew. This firm was local counsel for the New York Central, Lake Shore, Michigan Central and West Shore Railroad Companies, and it is needless to say that its practice was both large and lucrative.

On the 9th day of October, 1872, the same year that he was admitted to the bar, Judge McMillan married Delphia Jackson, of Arcade, New York, and by this union five children were born, - Morton Kemper, Maud Dunreath, Lanning Ross, Ethel Winthrop and Dwight Douglas, but Maud, Ethel and Dwight died when very young, so that only the two sons, who are usually known as Morton and Ross, are now alive. They are both promising young men and reside in this Territory, and are connected with the United States Forest Reserves.

Many of us have the pleasure of knowing the widow of our deceased friend, who is still alive, and who is a most accomplished, charming and attractive woman.

During the thirty-six years that they lived together the married life of this well-mated couple was a happy one, as they advised with each other on important matters and leaned on and supported each other in the various troubles which we all have to encountered, and sincerely loved as every married couple should.

Judge McMillan was an active temperament, and as he was able and upright man he of course became prominent in the great city of Buffalo, where he lived the best years of his life, and in the State of New York. He was elected as a republican to the State Senate from the City of Buffalo and served in the years 1885 to 1887, in that body. He was renominated in 1887, when his election was assured, but declined the nomination. He was manager of the Buffalo State Asylum for ten years, from 1884, to 1894; Trustee of the State Normal School from 1887 - 1894; Manager and President of Buffalo Library from 1883 to 1890; Law examiner, for admission to the Bar, Fifth Judicial Department, 1883- 1894; Member Republican State Central Committee of New York in 1887; Vice-President State Bar Association, 1887-1889; alternate delegate-at-large to the National Republican Convention held in Chicago, in 1888, and in Minneapolis in 1892; was a delegate at large to the constitutional convention of New York State which revised and amended the constitution of that State, and was also a member of the Buffalo and Liberal Clubs, the Chi-Psi- fraternity, the Consistory and the Temple.

The worm of attending to the duties placed upon him by the many positions which he held, as well as attending to several large estates of which he was trustee, and of looking after his growing practice, finally told upon him, for Judge McMillan was never a robust man, and his health gave out, and he came West, hoping that in our dry, pure and salubrious air his health might be restored, so that he could again take up active work in his profession.

His health did not return as he had hoped, and he was obliged to retire from his law firm in Buffalo, and on the 18th day of December, 1900, he was appointed by President McKinley an Associate Justice of the Supreme Court of this Territory, and was assigned to what was then the Third Judicial District, with head-quarters at Socorro. Judge McMillan remained on the bench for about three years, and while I never heard him try a case in the District Court, I can say that in all matters which were before the supreme court, he was a hard and painstaking worker, and that he conscientiously tried to decide every case that came before us for hearing, according as he believed the law and right to be, and without regard to any person or thing. I say, and I believe that the other members of our court, who were on the bench with Judge McMillan will bear me out in the statement, that he was of very great assistance in our work, and that we all deeply regretted when he retired from the bench. After leaving the bench, Judge McMillan lived for a time in Socorro and Las Cruces, in this Territory, and then moved to Denver, Colorado, where he died on June 2nd, of the present year, a little over sixty-two years of age.

Judge McMillan was an astute and learned lawyer. He was well grounded in the principles of our profession, without thoroughly knowing which, no one can hope to or should make a success at the bar. Having acted for so many years as the advisor of rail roads and corporations, as was natural his forte was corporation and rail road law, in which subjects he had no superiors, and but few equals in our Territory, which is saying a good deal, for I believe that the Bar of New Mexico will compare favorably with that of any State or Territory in the Union.

I am told by those who have heard him try cases before juries, and argue them before appellate courts, that when he was in good health he could stand up in the rough and tumble of a legal controversy, and return sarcasm with sarcasm, witticism with witticism, and amply protect the legal rights of his client.

In religion Judge McMillan professed the Presbyterian faith, but he never tried to force his religious views on others, but rather sought to influence them by the force of his example into following the paths of righteousness, which leads to peace of mind, happiness and contentment.

One of the marked characteristics of our departed friend was his fondness for books. He had a marked bent towards literature, and if he had taken up writing as a profession, I am certain that he would have achieved great success, and that he would have left works which would have caused his name to be remembered and honored by future generations.

His greatest liking was for the works of the Scottish authors. The Voluminous writings of Walter Scott, he admired greatly; and he could talk most entertainingly for hours, of the heroes and heroines, and the scenes and incidents, so vividly portrayed by that great author, so that it was a pleasure to listen to him. His conversation almost brought us face to face with Ivanhoe, Isaac the Jew, Rebecca, his daughter, Guy Mannering, Rob Roy, and the countless other characters whose lives and doings Scott so graphically portrayed.

Perhaps his favorite author was Robert Burns, the Scotch Bard, nearly all of whose poems he knew by heart, and whose sweet and pathetic songs particularly appealed to the poetic side of Judge McMillan's nature. Judge McMillan had prepared a lecture on Burns, which was an able literary production, and he frequently gave it to help along deserving charities, which appealed to him for aid and assistance. He rendered the Scotch dialect so well, that I much preferred to listen to him read or recite the words of Burns, rather than to read them myself.

Judge McMillan was my friend, as I am sure he was the friend of us all, and we are sorry that he has been called away, and that we have lost him from our midst; but in our sorrow we must remember that each of us will soon be called upon to follow in his steps. Death shows no favoritism. The riches of an Empire cannot bribe the grim destroyer to stay his hand, not is any one so abjectly poor, miserable or lowly as to be passed over or over-looked when his time has come.

Let us then be ever prepared, as Judge McMillan doubtless was, so that when death calls we may be ready to obey the summons, and pass over the dark river without fear and without trembling, and meet our Creator in the bright and happy land beyond the grave, there to be judged as to how we have lived our life upon earth and what use we have made of the talents which each of us have to some extent been endowed.

'Who needs a teacher to admonish him
That flesh is grass, that earthly things are mist?
What are our joys but dreams? and what our hopes
But goodly shadows in the summer cloud?
There's not a wind that blows, but bears with it
Some rainbow promise: -- not a moment flies,
But puts its sickle in the fields of life
and mows its thousands, with their joy and cares.'

No. 1201

In re

W. J. Hittson

Member of the Bar:

Disbarment

This cause having come again to be heard, further testimony is taken on behalf of the respondent, and the cause is argued by J. M. Hervey for relator and T. B. Catron for respondent and submitted to the Court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.
1045

United States of America

Appellee,

vs

Mariano F. Sena

Appellant

Appeal from First Judicial District Court,

This cause coming on to be heard before the court upon the motion of appellee for a diminution of the record and for a writ of certiorari, and the motion of appellant ~~for~~ dismiss the motion of appellee for certiorari, and the court having heard argument and having had the same under advisement, granted the motion of appellant to dismiss and denied the motion of appellee for certiorari without prejudice. It is therefore considered and adjudged by the court that the motion of appellant herein to dismiss the motion of appellee for certiorari be and the same hereby is granted and that the motion of appellee for certiorari be and the same hereby is denied without prejudice.

No.
1194

Territory of New Mexico,

Appellee,

vs

Jessie Kimnick

Appellant

Appeal from District Court Sierra County.

No.
1198

Jessie Kimnick

Plaintiff in error

vs

Territory of New Mexico

Defendant in error

Error to District Court Sierra County.

These causes coming on to be heard upon the transcript of record assignment of errors and briefs of counsel is partly argued for appellant and plaintiff in error, and the argument not being concluded these causes hereby are continued until tomorrow morning at ten o'clock A.M.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Jones
Chief Justice etc.

Sixteenth Day, Friday September, 4th, A. D., 1908.

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1240	The Territory of New Mexico	)	Appeal from District Court Guadalupe County.
	Appellant,	)	
	vs	)	
	Charles R. Jones,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Reversing the judgment of the court below, for the reasons expressed in the opinion of the court hereafter to be filed; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Guadalupe, whence this cause came into this court, be and the same hereby is reversed, It is further ordered by the court that the appellant herein do have and recover of and from the appellee, their costs in this behalf expended for which let execution issue.

No. 1220	S. C. Smith,	)	Appeal from District Court Chaves County.
	Appellee,	)	
	vs	)	
	Darius Hicks,	)	
	Appellant	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Parker, Mann and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chavez, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered adjudged and decreed by the court that the said plaintiff and appellee S. C. Smith, do have and recover of and from the defendant and appellant, the sum of three hundred sixty two and 50/100 dollars (\$362.50) for his debt and damages with interest thereon from the 29th day of May, A. D., 1907. together with the costs in this behalf expended, for which let execution issue.

No. 1205	Richard DiPalma, and Bernard Ruppe	)	Appeal from District Court Bernalillo County
	Appellees,	)	
	vs	)	
	J.A. Wienman and Jacob Barnett,	)	
	Appellants,	)	

This cause coming on for argument upon the transcript of record, assignment of errors and brief of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

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Now comes A. J. Abbott, Supreme Court report, and tenderes here to the court his resignation to the court as such report, which said resignation is duly accepted.

No. 1228	Pecos Valley Immigration Co.		)	
		Appellant,	)	
	vs		)	Appeal from District Court, Eddy County.
	John B. Cecil, E		)	
		Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1194	Territory of New Mexico,		)	
		Appellee,	)	
	vs		)	Appeal from District Court Sierra County.
	Jessie Kimmick		)	
		Appellant,	)	

No. 1198	Jessie Kimmick		)	
	Plaintiff in Error,		)	
	vs		)	Error to District Court, Sierra County.
	Territory of New Mexico		)	
	Defendant in error,		)	

These causes having come for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by T.M. D. Maddison, and E. W. Dobson, Esqs. for the appellant and plaintiff in error, and by James M. Hervey, Attorney General, for the appellee and defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1216	United States of America,		)	
		Appellee,	)	
	vs		)	Appeal from District Court Third District
	Santa Rita Mining Company et al		)	
		Appellants,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1224	Territory of New Mexico,		)	
		Appellee,	)	
	vs		)	Appeal from District Court, Santa Fe County.
	Ricardo Alarid		)	
		Appellant,	)	

It is ordered by the court that this cause, be and the same hereby is continued for the term.

No. 1229	J. A. Street		)	
		Appellant,	)	
	vs		)	Appeal from District Court Union County.
	Minnie Smith,		)	
		Appellee,	)	

It is ordered by the court that this cause, be and the same hereby is continued for the term.

No. 1231 Donaciano Gallegos,)
 vs Appellee,)
 E. M. Sandoval?) Appeal from District Court, Bernalillo County.
 Appellant,)

It is ordered by the court that this cause, be and the same hereby is continued for the term.

No. 1234 In the Matter)
 of Charles Zeiger)
 Bancktrucey) Appeal from District Court Bernalillo County

It is ordered that this cause, be and the same hereby is continued for the term.

No. 1236 Emilia M Perea,)
 vs Appellee,)
 State Life Insurance Company) Appeal from District Court, Sandoval County.
 Appellant,)

It is ordered that this cause, be and the same hereby is continued for the term.

No. 335 Wilson Waddingham, et al)
 vs Appellants)
 Francisco Robledo et al.) Appeal from District Court San Miguel County.
 Appellees)

This cause coming on upon the motion of T. B. Catron, attorney for appellants, to dismiss and overrule the motion of appellees to vacate Mandate, and the court being sufficiently advised in the premises, grants the same It is therefore considered and adjudged by the court that the motion of appellees herein to vacate mandate herein, be and the same hereby is overruled and denied.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and reports that they find Eugene H. Wilson, and Frank Faircloth, proper and suitable persons to be admitted to the bar of this Court, Whereupon on the motion of James M. Hervey, Esq., it is considered and adjudged by the court that the said Eugene H. Wilson, and Frank Faircloth, be and they hereby are admitted as solicitors attorneys and counselors of this court, upon the signing the roll and taking the oath of office, and the clerk of this court hereby is instructed to issue a proper certificate of admission to the above named parties. Whereupon the said Eugene H. Wilson and Frank Faircloth, appeared in open court and were duly sworn and subscribed to the roll.

No. 1045 United States of America,)
 vs Appellant,)
 Mariano F. Sena) Appeal from First Judicial District Court.
 Appellant)

This cause coming on upon the motion of appellee herein for a writ of certiorari, and the motion of appellant to dismiss the motion of appellee for certiorari, and the same having been argued by counsel, and submitted to the court, denies the motion of appellee to

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to dismiss and grants the motion of appellant^{et} for a certiorari as requested in said motion. It is therefore considered and adjudged by the court that the motion of appellee^{ant} herein to dismiss be and the same hereby is denied, and the motion of appellant^{et} for certiorari is hereby granted and the Clerk of this Court is hereby directed to issue the proper writ of certiorari to bring into this court the parts requested for in said motion of appellee.

And now again this cause coming on upon the motion of appellant to have considered as part of the record, the certificate of the District Judge of the First Judicial District together with certain affidavits accompanying the same, and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the motion of appellant to consider certain certificate be and the same here be granted and that therefore It is ordered adjudged by the court that the Certificate of the Judge of the First Judicial District court together with affidavits thereto attached regarding Exhibit No. 18 be and the same hereby are ordered considered as part of the record.

It is ordered that the court do now adjourn until Tuesday January 5th, A. D., 1909, at ten o'clock A. M.

William J. Miller
Chief Justice etc

Seventeenth Day, Tuesday January 5th, A.D., 1909

Court met pursuant to adjournment.

Present: Hon William J. Mills, Chief Justice

Hon. John R. McFie, Associate Justice

Hon Edward A. Mamm, Associate Justice

Hon Wm. H. Pope, Associate Justice

Jose D. Sena, Clerk.

Record of proceedings of Friday September 4th, was read and approved.

It is ordered by the court that all causes now under advisement, and all motions now pending before the court be and the same hereby are continued for the term.

It is ordered that this term of the Supreme Court of the Territory of New Mexico do now adjourn sine die

William J. Mills.
Chief Justice, etc.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of government, on the first Wednesday after the First Monday in January, A. D., 1909, the same being Wednesday, January 6th, A. D., 1909.

Present: Hon. William J. Mills, Chief Justice,
 Hon. John R. McFie, Associate Justice,
 Hon. Frank W. Parker, Associate Justice
 Hon. William H. Pope, Associate Justice
 Hon. Edward A. Mann, Associate Justice.
 Hon. Ira A. Abbott, Associate Justice
 E. C. Abbott, Assistant United States Attorney.
 James M. Hervey, Attorney General for New Mexico
 C. M. Foraker, United States Marshal by Ed Haines, Deputy
 Jose D. Sena, Clerk.

It is ordered by the court that Joseph Conklin, be and he hereby is appointed crier for the Court at the present session whereupon he appeared in open court and was duly sworn as such.

Solomon Luna,	)	
	)	
No. 1055	)	
Plaintiff in Error,	)	
vs	)	Error to District Court Santa Fe County.
Cerrillos Coal Railroad Company	)	
Defendant in Error,	)	

It is ordered that this cause be and the same hereby is continued until the next session of this court.

John Jenkins,	)	
	)	
No. 1161	)	
Plaintiff in Error,	)	
vs	)	Error to District Court Colfax County.
The Maxwell Land Grant Company, et al.,	)	
Defendants in Error,	)	

It is ordered by the court that this cause be, and the same hereby is continued until the first adjourned session of this court

Territory of New Mexico	)	
	)	
No. 1235,	)	
Appellee,	)	
vs	)	Appeal from District Court Otero County.
Robert Leslie Sr and Robert Leslie Jr.	)	
Appellants,	)	

It is ordered by the court that this cause be, and the same hereby is continued until the first adjourned session of this court.

The Arizona & Colorado R.R. Company of N. M.	)	
	)	
No. 1237	)	
Appellee,	)	
vs	)	Appeal from District Court San Juan County.
The Denver & Rio Grande Railroad Company,	)	
Appellant,	)	

It is ordered by the court that this cause be and the same hereby is continued until the first adjourned session of this court.

Days

WEDNESDAY, JANUARY 6th

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No. 1259

W. L. Sears,

Appellee,

vs

John Fewson,

Appellant,

Appeal from District Court Chaves County.

It is ordered by the court that in accordance with the stipulation of counsel herein, this cause be and the same hereby is set for hearing for January 18th 1909.

No. 1260

United States of America,

Appellee,

vs

Chim Wang,

Appellant,

Appeal from Third Judicial District Court

Now Comes The United States of America, appellee herein by E. C. Abbott, Assistant United States Attorney, and presents here to the court a transcript of the record in the above entitled cause, and moves the court that this cause be ordered docketed, and that the judgment of the Court below, be affirmed, for failure of the appellant herein to perfect his said appeal, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed, and that the judgment of the District Court in and for the Third Judicial District Court, whence this cause came into this court, be affirmed, and that in accordance therewith, It is therefore ordered that the said Chim Wang, be and he is hereby remanded to the custody of the United States Marshal for the District of New Mexico, who shall take him the said Chim Wang to San Francisco, California, and there deliver him the said Chim Wang, to the Collector of Customs for the Port of San Francisco, and that the said Collector of Customs for said port, shall deport the said Chim Wang, to the Empire of China, from whence he came. and that he pay the costs of this prosecution to be taxed for which let execution issue

No. 1261

The Territory of New Mexico

Appellee,

vs

J. B. Marrin,

Appellant,

Appeal from District Court Eddy County.

Nos comes the Territory of New Mexico appellee herein by James M. Hervey, its attorney General and presents herewith to the court a transcript of the record in the above entitled cause, and moves the court to docket this cause and affirm the judgment of the court below, for the failure of the appellant herein to perfect his said appeal within the time prescribed by law, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered by the court that this cause be and the same is hereby ordered docketed, and that the judgment of the District Court in and for the County of Eddy, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith It is considered and adjudged by the court that the appellant J. B. Marrin, be imprisoned in the Territorial prison at Santa Fe, New Mexico, for the full term of ten months and that he pay the costs of this prosecution to be taxed and that execution issue therefore and the sheriff of Eddy County is hereby ordered to deliver the

the said J.B. J.B.Marrin to the Superintendent of the territorial prison and that he the said superintendent or warden of said territorial prison confine the said j. b. marrin in said territorial penitentiary at Santa Fe for the full term of ten months from the date of commitment hereunder and until the costs are discharged by operation of law, and that a commitment issue thereon.

It is ordered by the Court that Messrs. Charles C. Catron, Frank W. Clancy, E. C. Wade, Charles A. Spiess, James M. Hervey and Geow W. Prichard constitute the committee for the examination of applications for admission to the bar of this court.

W h e r e a s, Jose D. Sena, Clerk of the United States Supreme Court for the Territory of New Mexico, has rendered to this Court an account for his official services from July 1st A.D., 1908 to September 30th 1908, both inclusive, with items and vouchers thereof, in the presence of E.C.Abbott, Assistant United States Attorney, and has, by his oath attached to the account proved to the satisfaction of the court that the services therein charged have been actually and necessarily performed, as herein stated and

W h e r e a s, the said charges appear to be just and according to the law.

I t is hereby ordered, that the said account ammounting to the sum of Seventy Four (\$74.) Dollars, be and the same hereby is approved. It is hereby certified that upon each day for which per diem is charged in this account, the court was opened for business and the judges present and presiding except on the following named days viz (none) on which the Supreme Court was opened and adjourned by the Clerk as provided by section 584 R. S. U. S. and except on the following named days viz (none) on which the Supreme Court was adjourned upon written order of the Chief Justice as provided by section 584 or 585 R. S. U. S. copies of which orders are hereto attached

In Re
Admissions to the Bar

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court, and report here to the court that they find Messrs George W. Evans, John A. White, Forest S. Cartwright, Roy C. McHenry, M. M. Redwine, Frank P. Divelbiss, T. C. Hart, G. W. Baker, E. A. Martin, J. B. Eldridge, Rufus Guy Hardy, Wm. H. Woodwell, Reed Holloman, J.D. Cutlip, Willard Belknap, D. L. Gilbert, J. B. Atkeson, John S? Adair, Edward C. Welch, Andrew Hockenull, Thomas S. Hunt, J. W. Compton and Galen F? Humbert, proper and suitable persons for admission to the bar of this Court, and upon motion of James H. Hervey, It is ordered by the court that George W. Evans, John A. White, Forest S. Cartwright, Roy C? McHenry, M. M. Redwine, Frank P. Divelbiss, T. C. Hart, G. W. Baker, E. A. Martin, J. B. Eldridge, Rufus Guy Hardy, Wm. H. Woodwell Reed Holloman, J. D. Cutlip, Willard Belknap, D. L. Gilbert, J. B. Atkeson, John S. Adair, Edward G. Welch, Andrew Hockenull, Thomas S. Hunt, J. W. Compton, and Galen F. Humbert, be and they hereby are admitted as attorneys solicitors and counsellors of this Court and the clerk of this Court hereby is directed to issue to the said named persons a proper cer-

tificate of admission upon their signing the roll and taking the oath of office prescribed by the rule.

It is further ordered by the court that the temporary licence of Roscoe S. Lockney and H. C. Lockney, be and the same hereby are continued until the next meeting of this Court.

No. 1238	T. A. Sabro,	Appellee,	)	Appeal from District Court McKinley County.
	Town of Gallup	vs		
		Appellant		

This cause having been heretofore submitted to the court on briefs and now upon the motion of Appellee herein by his Attorney B. F. Adams, to open the case and set the same for argument, and the court being sufficiently advised in the premises, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered by the court that this cause be and the same hereby is set for hearing for January 18th A. D., 1909.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William J. Jones
Chief Justice etc.

Second Day, Thursday, January 7th, A.D., 1909.

Court met pursuant to adjournment.

Present as upon Yesterday and David J. Leahy, United States Attorney

Record of yesterday's proceedings, was read and approved.

George K. Neher,		)	
No. 1227	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
Angelo Viviani, et al.,		)	
	Appellees,	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for January 18th, 1909.

Donaciano Gallegos		)	
No. 1231	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County
E. M. Sandoval		)	
	Appellant	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for January 15th, A.D., 1909

United States of America		)	
No. 1045	Appellee	)	
	vs	)	Appeal from First Judicial District Court
Mariano F. Sena		)	
	Appellant,	)	

It is ordered by the court that this cause be and the same hereby is set for Thursday January 14th for final submission.

United States of America		)	
No. 1216	Appellee	)	
	vs	)	Appeal from Third Judicial District Court
Santa Rita Mining Company, et al.,		)	
	Appellants,	)	

This cause coming on to be heard, upon the transcript of the record, assignment of errors and briefs, was argued to the court by A. H. Harlee, for appellants, and W. H. H. Llewellyn Esq for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Smith
Chief Justice etc.

Day,

FRIDAY, JANUARY, 9th

A. D.

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Third Day, Friday, January 9th, A. D., 1909.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1217	Gallup Electric Company	)	
		Appellee,	)
	vs	)	Appeal from District Court McKinley County
	Pacific Improvement Company	)	
	Appellant,	)	

This cause coming on for hearing, upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq. and F. W. Clancy, Esq. for appellant and H. B. Fergusson, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1218	Henry Lockhart	)	
		Appellee,	)
	vs	)	Appeal from District Court Bernalillo County.
	The Washington Gold & Silver Mining Co.	)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq. for Appellant and H. B. Fergusson, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises is taken under advisement.

Now comes the committee heretofore appointed by the court to examine all applicants for admission to the bar, and report that they find Messrs Robert L. Graves, Sam Bushman, Ira L. Grimshaw, J. Reimer Espey, F. D. Conwell, Wm. W. Hartman, Charles R. Easley, C. H. Hittson, Myron B. Keator, William Alex Sutherland, Matt Fowler, C. I. Compton Jr. J. C. Compton, J. M. O'Brien, Quintus A. Kaune, and Edward C. Wade Jr, proper and suitable persons to be admitted to the bar of this court, and upon the motion of James M. Hervey, It is ordered by the court that Messrs Robert L. Graves, Sam Bushman, Ira L. Grimshaw, J. Reimer Espey, F. D. Conwell, Wm. W. Hartman, Charles R. Easley, C. H. Hittson, Myron B. Keator, William Alex. Sutherland, Matt Fowler, C. M. Compton Jr, J. C. Compton, J. M. O'Brien, Quintus A. Kaune and Edward C. Wade Jr, be and they hereby are admitted as attorneys solicitors and counselors of this court, upon the signing the roll and taking the oath of office, and the court further ordered by the court that the clerk issue to the said named persons a proper certificate of admission, Whereupon they each and every one of them appeared in open court and were duly sworn and subscribed to the roll.

It is further ordered by the court that the Temporary licenses of Edward A. Schmidt, R. C. Nisbet, Peter Metford, and James Darden, be continued for one year from this date.

IN RE W.D. LEE

Now comes the Attorney General for the Territory Hon James M. Hervey, and suggests

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FRIDAY, JANUARY 8th

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here to the court the death of the Honorable William D. Lee, a former Associate Justice of this court and moves the court that the court appoint a committee to prepare and present proper resolutions of respect Whereupon It is ordered by the Court that Hon J. M. Hervey, Hon Geo W. Pritchard, and Hon E. W. Dobson, constitute the committee to prepare and present to this court proper resolutions of respect of the death of Honorable William D. Lee It is further ordered by the court that out of respect of the memory of Hon William D. Lee former Associate Justice this court adjourn until Monday morning.

It is ordered that the court do now adjourn until Monday Morning at ten o'clock A. M.

William J. Miles.

Chief Justice etc.

Day,

MONDAY, JANUARY, 11th.

A. D.

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Fourth Day, Monday, January 11th, A. D., 1909.

Court met pursuant to adjournment.

Present as upon Friday,

Record of Friday's proceedings was read and approved.

In Re

HON WILLIAM D. LEE

SOLIER ASSOCIATE JUSTICE OF THIS COURT

Now comes the committee heretofore appointed by the court to prepare and present to the court proper resolutions as to the death of the Honorable William D. Lee, former Associate Justice of this court, and presents here to the court their report which was ordered spread upon the record and a certified copy thereof, forwarded to the family of the deceased viz:

Santa Fe, N. M. January 11th, 1909

TO THE HONORABLE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF NEW MEXICO;

We the undersigned committee appointed to draft resolutions on the death of William D. Lee, respectfully submit the following:

Judge Lee was born in Indiana in 1830, and was the son of Doctor Henry D. Lee, a native of Lebanon County, Ohio, and Miss Harriet E. Gordon, a native of Virginia. Judge Lee was directly related to the famous Lee family of Virginia, which gave to the country Robert E. Lee of the Confederacy. He was educated at DePauw university and graduated from the law department of the Indiana State University in 1852 and began the practice of his profession the same year in Jasper county Indiana, but soon removed to Lafayette where he rapidly obtained success and became states attorney for the twelfth judicial circuit. He was Captain of Company E. of the 125th Indiana volunteers during the Civil War, served in the army of the Cumberland, participated in the battle of Nashville during the attack by General Wheeler and was with his command protecting the railroad when General Sherman made his famous march to the sea.

Judge Lee came to Las Vegas, New Mexico, in 1876, and practiced law with Hon L.C. Fort, until 1889, when he was appointed by President Harrison Associate Justice of this Court and judge of the second Judicial District. He served on the bench until 1894.

Judge Lee was married to Miss Naomi A. Reese in 1855.

He died at 4:5 P.M. at his home in Santa Monica, California, on December 23, 1908, at the age of 78 years.

Judge Lee's career since he came to New Mexico, both in public and private life, has been active and honorable one, and he was a highly respected member of this bar and his death removed one more of the swiftly diminishing number of sturdy pioneers who came to New Mexico in advance of the railroad and when life was hard and reward for effort small. His career was a successful one both as a private citizen and as a public officer, and almost up until the time of his death his influence was strong for the advancement of the best in-

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Day,

MONDAY, JANUARY 11th,

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terests of the community in which he lived.

THEREFORE. BE IT RESOLVED, That in the death of this distinguished member of this bar the territory has lost one of its most honored citizens and the courts one of their best and most honorable and most courteous advocates, and the profession one of its leading lawyers.

BE IT FURTHER RESOLVED, That a copy of this report be spread upon the records of the court and that the engrossed copies thereof be sent to the families of the deceased.

Committee

James M. Hervey,
Chairman

James M. Hervey.

E. W. Dobson

George W. Prichard.

E. A. Martin appeared in open court and having taken the oath of office and signed the roll of attorneys was duly admitted to the bar on the report of the committee heretofore made.

IN Re O.M. Congdon.

The committee on applications having recommended to the court the extension of the temporary licence of O. M. Congdon, for good and sufficient reasons it is therefore ordered by the court that the temporary license of O. M. Congdon be and the same hereby is extended for one year and until the first day of the next regular term.

Territory of New Mexico	)	
No. 1247	Appellee,	)
	vs	) Appeal from District Court Socorro County.
Emilio Valles	Appellant	)

This cause coming on for hearing, upon the transcript of record, assignment of errors and briefs of counsel is submitted to the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that appellant herein do have thirty days from this date to file his briefs and that appellee have ten days thereafter to reply.

Territory of New Mexico	)	
No. 1224	Appellee,	)
	vs	) Appeal from District Court, Santa Fe County.
Ricardo Alarid,	Appellant	)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A.B. Renehan, Esq and C. A. Spiess, Esq. for appellant, and James M. Hervey, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1225 United States of America)
 Plaintiff in error)
 vs) Error to Sixth Judicial District Court
 Oliver M. Lee, et al.,)
 Defendants in error)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by W. H. H. Llewellyn Esq. for Plaintiff in error and submitted on briefs by defendant in error, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1229 J. A. Street,)
 Appellant,)
 vs) Appeal from District Court Quay County.
 Minnie Smith)
 Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1232 Frank H. Jones, Trustee in Bankruptcy of)
 The Oro Dredging Co., a bankrupt,)
 Appellant,)
 vs) Appeal from District Court Colfax County.
 Charles Springer)
 Appellee.,)

It is ordered by the court that Mr J. E. MacLeish, be and he hereby is admitted to the bar of this court for the purposes of this cause.

No. 1242 Florencio Ramirez,)
 Appellee,)
 vs) Appeal from District Court Dona Ana County.
 Pearl H. Bailey, et al.,)
 Appellants,)

Now comes Pearl H. Bailey, Steve Sever, James Hagan, and Jose Barrio, appellants in the above entitled cause by their Attorney J. H. Paxton, and by agreement with the appellee, who also demands no affirmative relief in this Court, do now move the Court to dismiss the above entitled appeal at the cost of the said appellants, and the court being fully advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the appeal in the above entitled cause be and the same hereby is dismissed at the cost of appellants.

No. 1232 Frank H. Jones, Trustee in Bankruptcy of the)
 Oro Dredging Co., a Bankrupt)
 Appellant)
 vs) Appeal from District Court Colfax County,
 Charles Springer,)
 Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by J. E. Mac Leish, Esq. for appellant, and Charles A. Spiess, Esq., for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

FOURTH

Day,

MONDAY, JANUARY 11th

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It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Smith.

Chief Justice etc.

Day,

TUESDAY, JANUARY 12th

A. D.

1909

Fifth Day, Tuesday January 12th, A. D., 1909

Court not present to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1104	United States of America,	)	Appeal from Second Judicial District Court.
	Appellee,	)	
	vs	)	
	John Myers, alias John Horse	)	
	Appellant,	)	

Now comes the appellee herein by its District Attorney, David J. Leahy, and says here to the court that they will no longer prosecute its motion for rehearing but withdraws the same with the permission of the court. And the court being fully advised in the premises grants the same. It is therefore considered that the motion for rehearing in this cause is hereby allowed to be withdrawn and this cause hereby is remanded to the District Court of the second Judicial District Court for further proceedings in accordance with the opinion of the court heretofore filed herein.

No. 1202	Elgin Bouthitt, who sues by his next	)	Appeal from District Court Chaves County.
	Friend, Thomas J. Bouthitt,	)	
	Appellee,	)	
	vs	)	
	Joshua H. Bailey	)	
	Appellant,	)	

This cause coming on before the court upon a motion of appellant herein for a rehearing, and the court having had the said motion under advisement, and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No. 1192	L. E. Speed, et al	)	Appeal from District Court Quay County.
	Appellant	)	
	vs	)	
	First National Bank of Tucumanari	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices McFie, Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Quay whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that the said report of the referee be, and the same hereby is in all things confirmed.

It is further understood, adjudged and decreed by the court that the said plaintiff do have and recover of and from the said defendant, Cabe Adams, the sum of twenty-two hundred and eighty dollars and thirty-four cents, together with interest thereon at the rate of ten per cent per annum from the twenty-sixth day of October A.D., 1905 until paid and th

costs of suit to be taxed by the clerk, and that said plaintiff have execution therefor. This judgment, however, is intended to be in lieu of the judgment rendered against said defendant Cabe Adams, in this cause in the District Court on the 21st day of August 1905, and the said last mentioned judgment is hereby vacated in so far as it conflicts herewith.

It is further ordered, adjudged and decreed by the court that said mortgage so made by the said Adams, to and in favor of the said plaintiff, be and the same hereby is established as a lien against all those certain cattle which were at the time when it was so made ranging in the Territory of New Mexico, and branded 9X on the left side and also all those certain other cattle ranging in said Territory and branded L & N on the left side and P on the left hip and upon the proceeds of the sale of any of said cattle which may have been heretofore sold, in the sum of twenty two hundred and eighty dollars and thirty-four cents, together with interest thereon from the date above stated until paid and the costs in this suit, to be taxed as above found, and all of the equity of redemption or right of the said Cabe Adams, to redeem the same are hereby barred and foreclosed.

It is further ordered, adjudged and decreed by the court that the referee herein Charles C. Davidson Esq., be and he is hereby allowed the sum of seventy-five dollars as his fee, and the same shall be taxed by the clerk of this court as part of the costs of this suit.

It is further ordered, adjudged and decreed by the court that Lee Hamilton, the receiver of this court, who is now, as such, in charge of a portion of said property, sell all of said property so in his possession, or so much thereof as may be necessary to pay the judgment herein rendered against the said defendant Adams, at public vendue to the highest and best bidder therefor, between the hours of nine o'clock in the morning and the setting of the sun of the day of the sale, at some public place in the county of Quay, aforesaid after having first given notice of the time and place of such sale and a full description of the property to be sold by publishing the same for four weeks preceeding the said day of sale, either in English or Spanish, as in his judgment would give the most extensive notice in the county of Quay aforesaid, in some newspaper printed in said county, and also by posting six of such notices in six of the most public places in said county of Quay for four weeks preceeding the day of sale; but it shall not be necessary for the said Lee Hamilton to have the property so sold by him, present at the sale, and upon the making of said sale the said Hamilton shall report his doings and proceedings thereof to this court for its further action.

It is further ordered, adjudged and decreed by the court that the proceeds so derived from the sale of said property, shall be by the court, Applied First: Toward the payment of the costs hereof for making the said sale. Second: toward the payment of the amount herein found to be due by the said Cabe Adams to the said plaintiff, and the remainder, if any, shall be paid to the said defendant Adams.

It is further ordered, adjudged and decreed by the court that the said plaintiff shall recover of and from the said defendant Speed all the costs incurred herein since the 24th day of March, 1905, being the date upon which default judgment herein was rendered against the defendant Cabe Adams, and that execution issue therefor.

It is further ordered, adjudged and decreed by the court that the parties hereto, and any and all persons who may have come into possession of any of the cattle aforesaid since the institution of this suit, shall surrender the same to said receiver or to the purchaser of the same at any sale had under this judgment, upon the production of a certified copy hereof and any person refusing so to do shall be deemed guilty of a contempt of this court and upon proof thereof, shall be punished accordingly

No. 1201 In the matter of the charges against)
W. J. HITTSON) DISBARMENT
Member of the bar of this court

This cause having been heard, and argued to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices Parker, McFie, and Pope concurring suspending the respondent for the period of two years in the Supreme Court and District Courts of the Territory of New Mexico, It is therefore considered and adjudged by the court that the respondent herein W. J. Hittson be and he hereby is suspended from the practice of law in the Supreme and District Courts of this Territory, and that he pay the costs of this suit to be taxed, for which let execution issue.

No. 1203 Oliver Corcoran,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Albuquerque Traction Company)
Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Mills and Associate Justices McFie, Pope and Mann, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith It is considered and adjudged by the court that the said appellee do have and recover of and from the appellant the Albuquerque Traction Company the sum of Eleven Hundred Dollars, with interest from the 12th day of October, 1906 until paid with her costs and disbursements to be taxed and that the plaintiff have execution against the appellant therefor.

No. 1221 Michael A. Ross,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Clark M. Carr, et al.,)
Appellants,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pop

pe, MeFie, Parker and Mann concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered, ordered and adjudged by the court that the said Michael A. Ross appellee, do have and recover from the appellants Clark M. Carr, Eugene A. Carr, and the Zuni Mountain Lumber & Trading Company, the sum of \$6,750.00 the amount returned by the verdict of the jury upon the trial of said cause, together with his costs to be taxed and that execution issue therefor.

It is further considered ordered and adjudged by the court that the attachment herein be and the same hereby is sustained, and that the sheriff is hereby directed to sell the property attached to satisfy the judgment herein.

Territory of New Mexico	)	
No.1223	Appellee,	)
Jap L. Clark	vs	) Appeal from District Court Torrance County.
	Appellant	)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justices Parker, MeFie and Pope, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Torrance be and the same hereby is affirmed, and that in accordance therewith, It is considered, ordered and adjudged by the court here, and is the judgment and sentence of the court, that the said appellant Jap L. Clark be remanded to the custody of the Sheriff of Torrance County New Mexico to be by him safely kept until such time as he, the said sheriff, can convey him, the said defendant, to Santa Fe, New Mexico, and there deliver him, the said Jap L. Clark, to the Superintendent of the Territorial Penitentiary to be by him confined at hard labor for the period of seven years from the date of the sentence hereof; that he pay all the costs of the prosecution herein, to be taxed, and that he stand committed until such costs are fully paid.

The Pecos Valley Immigration Company	)	
No.1228	Appellant,	)
John B. Cecil,	vs	) Appeal from District Court Eddy County.
	Appellee,	)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justice Parker, Mann, MeFie and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the district Court in and for the County of Eddy, whence this cause came into

this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the plaintiff take nothing by its suit and that the defendant as to the same go hence without day and that he recover of and from the plaintiff his costs herein incurred, to be taxed, for which let execution issue.

No. 1241	Territory of New Mexico	)	Appeal from District Court Dona Ana County.
		)	
	Appellant,	)	
	vs	)	
	Pedro Gonzales	)	
		)	
	Appellee,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices, McFie, Abbott, Pope and Mann, concurring, reversing the judgment of the court below, and remanding this cause to the lower court for further proceedings, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Dona Ana, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings.

No. 1253	William D. Radcliff,	)	Appeal from District Court Valencia County.
		)	
	Appellee,	)	
	vs	)	
	Jose E. Chavez, Executor,	)	
		)	
	Appellant,	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for January the 18th, 1909

No. 1221	Michael A. Ross	)	Appeal from District Court Bernalillo County.
		)	
	Appellee,	)	
	vs	)	
	Clark M. Car, et al.,	)	
		)	
	Appellants,	)	

It is ordered by the court that the appellants herein do have fifteen days from this date within which to file a motion for a rehearing herein.

No. 1233	Territory of New Mexico	)	Appeal from District Court Bernalillo County.
		)	
	Appellant	)	
	vs	)	
	Chas. K. Newhall, et al.,	)	
		)	
	Appellees,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. W. Clancy, Esq. for appellant, and A. B. McMillen, Esq., for appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

FIFTH

Day,

TUESDAY, JANUARY 12th

A. D.

1909

In the matter of The Voluntary Assignment)
No. 1234) Charles Zeiger) Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is argued by E. W. Dobson, Esq. and Geo H. Elock, Esq. for appellants, and A. B. McMillen, Esq. for appellees, and sub mitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

Emilia M. Perea)
No. 1236 vs Appellee,) Appeal from District Court Sandoval County.
The State Life Insurance Company of Indiana-)
polis Ind Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq., for appellant and Neill B. Field, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

In Re)
No. 1201 vs) D i s b a r m e n t
W. J. Hittson)

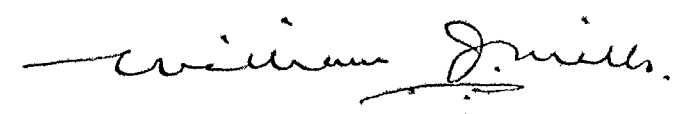
Whereas, Frank W. Sherron was duly appointed by this court to take the testimony in short hand in the above entitled cause and was afterwards by this court directed to transcribe the said testimony and make five carbon copies thereof, and

Whereas, he has presented to this court an account for his services, and has by his oath attached to the said account proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed, as therein stated

It is therefore ordered by the court that the said account of the said Frank W. Sherron amounting to the sum of One Hundred and one dollars, be and the same hereby is approved.

William J Mills,
Chief Justice etc.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.


Chief Justice etc.

Sixth Day, Wednesday, January 13th, A.D., 1909

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1249	Joseph C. Baldridge,	)	Appeal from District Court Bernalillo County.
	Appellee,		
	A. L. Morgan, et al.,		
	Appellant		

It is ordered by the court that this cause be and the same hereby is set for the first adjourned session of this court.

No. 1252	N. Nash	)	Appeal from District Court Bernalillo County
	Appellee,		
	vs		
	A. L. Morgan, et al.,		
	Appellants,	)	

It is ordered by the court that this cause be and the same hereby is reset for hearing for the first adjourned session of this court.

No. 1231	Donaciano Gallegos	)	Appeal from District Court Bernalillo County.
	Appellee,		
	vs		
	E. M. Sandoval		
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by George S. Klock Esq. for appellant, and Neill B. Field Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1239	United States of America	)	Appeal from Fifth Judicial District
	Appellee,		
	vs		
	M. E. Cook,		
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs for the appellant and argued by David J. Leahy, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1244	Territory of New Mexico	)	Appeal from District Court Santa Fe County.
	Appellee,		
	vs		
	Joseph Digneo		
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. P. Davies, Esq. for appellant, and James M. Hervey Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

SIXTH

Day,

WEDNESDAY, JANUARY 13th

A. D.

1909

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

—William J. Miller.

Chief Justice etc.

Day,

THURSDAY, JANUARY 14th

A. D.

1909

Seventh Day, Thursday, January 14th, A. D., 1909

Court met pursuant to adjournment,

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1232	Frank H. Jones, Trustee in Bankruptcy of	)	Appeal from District Court Colfax County.
	the Oro Dredging Company		
	Appellant,		
	vs		
Charles Springer	)		
Appellee,			

It is ordered by the court that the appellee herein be granted twenty days from this date to file supplemental briefs and that the appellant be granted twenty days thereafter to reply.

No. 1245	Dalos A. Chapell,	)	Appeal from District Court Socorro County.
	Appellant,		
	vs		
	Daniel H. McMillan, et al.,		
	Appellees,	)	

This cause coming on for hearing, upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellant do have ten days from this date to file additional briefs herein and that the appellee have ten days thereafter to reply.

No. 1246	Sron Gray,	)	Appeal from District Court Valencia County
	Appellee,		
	vs		
	New Mexico Public Stone Company		
	Appellants	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that appellants herein do have ten days from this date to file supplemental briefs, and that appellee do have ten days thereafter to reply.

No. 1248	The Bank of Commerce	)	Appeal from District Court Socorro County.
	Appellee,		
	vs		
	Jaspar W. Broyles, et al.,		
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. M. Dougherty, Esq. for appellee, and F. E. Wood, Esq. for appellants and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miles.
Chief Justice etc.

Eighth Day, Friday, January 15th, A. D., 1909

Court met pursuant to adjournment.

Present as upon yesterday,

Record of yesterday's proceedings were read and approved

The Territory of New Mexico	)	
	)	
No. 1251	)	
Appellee,	)	
vs	)	Appeal from District Court Socorro County
Jose Aban Eais,	)	
Appellant,	)	

Now comes the Territory of New Mexico by its Attorney General J. M. Harvey and says here to the court that it will no longer prosecute its motion to dismiss but withdraws the same with the leave of the court and Now comes the appellant and moves the court for leave to supply the missing record and the court being sufficiently advised in the premises grants the said motions It is therefore considered by the court that the appellee herein be and he is hereby allowed to withdraw its motion to dismiss and the appellant be and he is hereby allowed to supply the missing record.

And now again this cause coming on for hearing upon the transcript of record, assignment of records and briefs of counsel and is submitted to the court on briefs and the court ^{not} being sufficiently advised in the premises takes the same under advisement.

United States of America,	)	
	)	
No. 1045	)	
Appellee,	)	
vs	)	Appeal from First Judicial District Court
Mariano F. Sena,	)	
Appellant,	)	

This cause coming on upon a motion of appellant herein for a writ of certiorari to bring into this court the supplemental bill of exceptions in the above entitled cause, when the said supplemental bill of exceptions showing the correction of the record in the District Court in the above entitled cause, when the said bill of exceptions shall be settled, approved and signed and the court being fully advised in the premises grants the same It is therefore considered and adjudged by this court that the rule of this court issue directing the clerk of the fifth Judicial District Court to forthwith transmit to this court a full and complete copy of the said supplemental bill of exceptions when the same shall have been settled, approved and filed in his office.

Michael A. Ross	)	
	)	
No. 1221	)	
Appellee,	)	
vs	)	Appeal from District Court, Bernalillo County.
Clark M. Carr, et al.,	)	
Appellants,	)	

This cause again coming on before the court upon the motion of Appellee, herein for a judgment against the sureties on the appeal bond herein, and the court having had the said motion under advisement, and being sufficiently advised in the premises, grants the said motion,

It is therefore considered and adjudged by the court that the said appellee do have and receive of and from Clark M. Carr, Eugene A. Carr, and The ^{**} Zuni Mountain Lumber & Trading Company,

appellants as principals and of and from Otto Deickmann, Solomon Luna, and Silvestre Mirabal, sureties on the appeal bond the sum of Seven thousand five hundred and twenty nine and 25/100(\$7,529.25) Dollars, with interest at the rate of zix per cent per annum from the date hereof until paidn together with the costs in this behalf expended, to be taxed and the execution issue therefor.

No. 1256	The Sacramento Valley Irrigation Co.,	)	Error to District Court Otero County.
	Plaintiff in error	)	
	vs	)	
	Oliver M. Lee, et al.,	)	
	Defendants in error	)	

This cause coming on before the court upon the motion of defendants in error to dismiss the writ of error herein, is argued b. H. M. Dougherty, for defendants in error and A. B. Renehan, Esq. for plaintiff in error, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1045	United States of America	)	Appeal from First Judicial District Court
		)	
	vs	)	
	Mariano F. Sena	)	
	Appellant,	)	

This cause coming on for hearing upon the supplemental bill of exceptions filed herein and briefs of counsel, is Argued by John H. Knabel, for appellant and submitted to the court finally, and the court not being sufficiently advised in the premises takes the same under advisement.

In Re.

Admission to the Bar.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this court and report that they find Mr H. W. Wolcott, a proper and suitable person to be admitted to the bar and upon motion of James M. Hervey Esq. It is ordered by the court that Mr H. W. Wolcott be and he hereby is admitted as an attorney, solicitor and counselor of this court, and the clerk of this court is hereby directed to issue to the said H. W. Wolcott a proper certificate of admission upon his signing the roll and taking the oath of office. Whereupon the said H. W. Wolcott appeared in open court and was duly sworn and subscribed to the roll.

It is ordered that the court do now adjourn until Monday Morning at ten o'clock January 18th, 1909

William J. Miller
Chief Justice. etc.

Ninth Day,

A. D.

Ninth Day, Monday January 18th, A. D., 1909

Court met pursuant to adjournment

Present as upon Friday.

Record of Friday's proceedings was read and approved.

No. 1260	United States of America	)	
	Appellee,	)	
	vs	)	Appeal from District Court
	Chim Wong	)	
	Appellant,	)	

This cause coming on upon the motion of the appellee by its District Attorney David J. Leahy, to forfeit the bond in the appeal above entitled, and the court being sufficiently advised in the premises, has the defendant and his bondsmen called three times in open court, to produce the body of the said Chim Wong into court or their bond be forfeited, and after the said bondsmen were three times solemnly called, and there being no response, It is considered and adjudged by the court that the said appeal bond in the above entitled cause be and the same hereby is forfeited and that in accordance therewith It is considered and adjudged by the court that the said United States of America, do have and recover of the said Chim Wong as principal and the said Y. N. Fung, and the said Wing Doom as sureties the full sum of five hundred dollar being the penalty of the appeal bond herein, together with the costs herein expended to be taxed, and that execution issue therefor.

No. 1254	United States of America	)	
	Appellee,	)	
	vs	)	Appeal from First Judicial District Court
	Jacob M. Aurandt,	)	
	Appellant,	)	

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1255	Territory of New Mexico	)	
	Appellee,	)	
	vs	)	Appeal from District Court Taos County.
	Malaquias Cortez	)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1253	William D. Radcliffe,	)	
	Appellee	)	
	vs	)	Appeal from District Court Valencia County.
	Jose E. Chavez, Executor	)	
	Appellant	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Tenth Day, Tuesday, January 19th, 1909

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings read and approved.

Territory of New Mexico	)	
No. 1219	)	
Jim West	)	Appeal from District Court, Chaves County.
vs	)	
	)	
Appellee,	)	
	)	
Appellant,	)	

This cause coming on before the court upon the motion of appellant herein for a rehearing and the court having had the said motion under advisement, and being now sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for rehearing of appellant herein be and the same hereby is denied.

Eduardo Chaves	)	
No. 1165	)	
John D. Torlina,	)	Appeal from District Court Bernalillo County.
vs	)	
	)	
Appellee,	)	
	)	
Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court, at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills and Associate Justices Parker Mann and Pope, concurring, reversing the judgment of the court below and remanding this cause with directions to the court below to grant leave to re-form the pleading without prejudice as to the issue of adverse possession, excluded by the amended complaint for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is reversed and this cause is hereby remanded to the said district court with instructions to grant leave to re-form the pleadings without prejudice as to the issue of adverse possession, excluded by the amended complaint. It is further by the court that the appellant herein do have and recover of and from the appellee his costs in this behalf expended to be taxed for which let execution issue.

George K. Neher,	)	
No. 1227	)	
Angelo Viviani, et al.	)	Appeal from District Court Bernalillo County.
vs	)	
	)	
Appellant,	)	
	)	
Appellees,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. W. Dobson, Esq. for appellant and T. N. Wilkerson Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that Mr Paul A. F. Walters, be and he hereby is appointed Supreme court reporter upon his filing with the clerk of this court a proper oath of office.

Day,

TUESDAY, JANUARY 19th

A. D.

1909

No. 1238

T. A. Fabro,

Appellee,

vs

Town of Gallup,

Appellant,

Appeal from District Court McKinley County.

This cause coming on for re-argument upon the transcript of record, assignment of errors, and briefs of counsel, is argued by F. W. Clancy, Esq. for appellant, and B. F. Adams Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Miller
Chief Justice etc.

Eleventh Day, Wednesday January 20th, A. D., 1909

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings was read and approved.

No.	The Sacramento Valley Irrigation Company	)	
1256	Plaintiff in Error	)	
	vs	)	Error to District Court Otero County.
	Oliver M. Lee,	)	
	Defendant in Error	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court on the motion of defendant in error herein to dismiss the writ of error, and the court having had the same under advisement and being now sufficiently advised in the premises denies the said motion. It is therefore considered by the court that the motion of defendant in error herein be and the same hereby is denied.

No.	The Stern-Rogers Manufacturing Company et al)		
1152	Appellees	)	
	vs	)	Appeal from District Court Colfax County.
	The Aztec Gold Mining & Milling Co. et al.	)	
	Appellants	)	

This cause coming on before the court upon the motions of appellees and appellants for a rehearing herein, and the court having had the said motions under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motions for rehearing herein be and the same are hereby denied.

No.	W.B.Mersfelder & Philip Mersfelder	)	
1243	Appellant,	)	
	vs	)	Appeal from District Court Union County.
	Tranquilino Garcia, and the First National	)	
	Bank of Plainview, Texas Appellee,	)	

This cause coming on before the court upon the motion of appellee herein for judgment against the sureties in the supercedas bond herein, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the appellee herein the First National Bank of Plainview Texas, do have and recover of and from the appellants W. B. Mersfelder, and Philip Mersfelder, as principals, and of and from Guy Gamble, Ed. T. Massey and H. R. Putnam, as sureties on the supercedas bond herein, the sum of One thousand Four Hundred and ten 12/100 (\$1410.12) Dollars, with interest thereon at the rate of ten per cent per annum from date until paid, together with their costs in this behalf expended for which let execution issue.

No.	Michael A. Ross,	)	
1221	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Clark M. Carr, et al.,	)	
	Appellants,	)	

It is ordered by the court that appellant do have thirty days from this date within which to file a motion for a rehearing herein.

In Re

No. 1264

John Donohue alias Jack Donohue)

No. 1264

Habeas Corpus

This cause coming on before the court upon the motion of relator herein for a writ of habeas corpus, and petitions this court to be permitted to bail the same is argued by T. N. Wilkerson for relator and Frank W. Clancy, Esq. for respondent, and submitted to the court and the court having had the said matter under advisement and being now sufficiently advised in the premises, finds that the said relator be allowed to give bail in the sum of ten thousand dollars. It is therefore considered and adjudged by the court that the said John Donohue be and he hereby is admitted to bail in the sum of ten thousand dollars the said bond to be approved by the sheriff of the County of Bernalillo and to be conditioned that the said John Donohue appear before the District Court of Bernalillo County on the first day of the next regular term thereof, and that he remain in attendance thereon from day to day and from term to term until discharged by order of said court, and that he will obey all orders of the court in the premises.

Territory of New Mexico)

Appellee,)

No. 1261

vs)

J. B. Marrin,)

Appellant,)

Appeal from District Court Eddy County.

Now comes J. H. Hervey Attorney General for New Mexico and moves the court to forfeit the appeal bond in the above entitled cause, for failure to appear and present the body of the said J. B. Marrin he having failed to perfect his said appeal and the court being sufficiently advised in the premises, orders the defendant and his bondsmen to be called to produce the body of the said J. B. Marrin into court or their bond would be forfeited and therebeing no response the bond is forfeited. It is therefore considered by the court that the defendant and his bondsmen in the above entitled cause be and they hereby are ordered called to produce the body of J. B. Marrin into court and the defendant and his bondsmen being solemnly called in open court three times, and there being no response it is ordered by the court that the bond in the above entitled appeal be and the same hereby is forfeited. It is therefore considered and adjudged by the court that the appellee the Territory of New Mexico do have and recover of and from W. Weir, Will Franklin, and Jim Lemmons, sureties in the above entitled cause the sum of Two Thousand Dollars, the penalty of the said supercedas Bond together with the costs in this behalf expended to be taxed for which let execution issue.

The Santa Fe Raton & Des Moines R.R. Co.,)

Appellant)

No. 1209

vs)

St Louis Rocky Mountain & Pacific R.R. Co.)

Appellee,)

Appeal from District Court Colfax County.

Now comes the appellant in the above entitled cause, and says here to the court that it will no longer prosecute its said appeal, but dismisses the same, and the court being sufficiently advised grants the motion of appellant, It is therefore considered and adjudged

ELEVENTH

Day,

WEDNESDAY, JANUARY 20th

A. D.

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ed by the court that the above entitled appeal be and the same hereby is dismissed at the cost of appellant.

The Sterns-Rogers Manufacturing Co. et al.,	)	
	)	
No. 1152	vs	Appellee,
	)	Appeal from District Court Colfax County.
The Aztec Gold Mining & Milling Co. et al.,	)	
	)	
	)	Appellants,

This cause again coming on before the court, upon the motion of appellees herein to vacate the judgment heretofore entered herein and to remand this cause to the court below, for further proceedings, and the court being sufficiently advised in the premises, and there being no opposition by the appellant, It is considered ordered and adjudged by the court that the judgment of the District Court in and for the County of Colfax, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court in and for the county of Colfax with instructions that the decree rendered by that court be modified in accordance with the views expressed herein. It is further considered and adjudged by the court that the appellants do have and recover of and from appellees there costs in this behalf expended for which let execution issue.

It is ordered that the court do now adjourn until Tuesday the 24th day of August at ten A.M.

William J. Mills.
Chief Justice etc.

Twelfth Day, Thursday July 1st, A.D., 1909

Court met pursuant to the Call of the Chief Justice, in special session .

Present:Honorable William J. Mills, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice

Honorable Edward A. Mann, Associate Justice.

David H. Leahy, United States District Attorney for New Mexico

Frank W. Clancy, Attorney General

Crate M. Foraker, United States Marshal for New Mexico

Jose D. Sena, Clerk.

Record of proceedings of Wednesday January 20th, was read and approved.

No. 1205 Richard Di Palma, and Bernard Ruppe,)
Appellees)
vs) Appeal from District Court Bernalillo County.
J.A.Weinman and Joseph Barnett)
Appellants,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice Mills, Associate Justice McFie and Parker concurring, Associate Justice Pope dissenting, reversing the judgment of the district court and remanding this cause to said district court with instructions to grant a new trial. as stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District court in and for the County of Bernalillo, whence this cause came into this court be and the same hereby is reversed, and this cause hereby is remanded to the said District Court with instructions to grant a new trial. It is further ordered and adjudged by the court that the appellee do have and recover of and from the appellant their costs in this behalf expended for which let execution issue.

No. 1255 Territory of New Mexico)
Appellee,)
vs) Appeal from District Court Taos County
Malaquias Cortez)
Appellant)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Mann, Chief Justice Mills, and Associate Justices Parker, Abbott and Pope concurring reversing the judgment of the district court and remanding this cause for further proceedings, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the Court that the judgment of the District Court in and for the county of Taos, whence this cause

came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said District Court for further proceedings in accordance with the opinion of this court.

No.	J. A. Street,		)	
1229		vs.	Appellant,	)
	Minnie Smith,		Appellee,	)
				)
				)

Appeal from District Court Union County.

This cause Having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice William H. Pope, Associate Justices McFie, Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Union whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the appellee Minnie Smith, do have and recover of of and from the appellant J. A. Street as principal, and James Lanigan and M. B. Goldenburg, as sureties on the supercedeas bond the sum of Four Hundred and sixty-five 64/100 dollars, lawful money of the united states, with interest thereon at six per cent per annum from June 3rd, 1907 and her costs in this behalf expended to be taxed, for which let execution issue.

	Frank H. Jones, Trustee in Bankruptcy, of the		)	
No.	Oro Dredging Company a Bankrupt		)	
1232		vs.	Appellee,	)
	Charles Springer,		Appellant,	)
				)

Appeal from District Court Colfax County.

This cause having been argued by counsel, submitted to and taken under advisement by the Court on a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Edward A. Mann, Associate Justices Parker McFie, Abbott and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Colfax, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the lien of the said attachment be and it is hereby vacated and dissolved, and the Sheriff of Colfax County is hereby ordered and directed to deliver over ~~the~~ the possession of the real estate which he, the said sheriff, is holding by virtue of said writ of attachment, to the said Frank H. Jones, Trustee, and, It is further considered and adjudged by the court that the petition of the said Frank H. Jones, trustee in so far as it seeks an order directing that said Frank H. Jones, trustee, be awarded possession of said mining dredge and its equipment, be and it is hereby denied, and it is considered and adjudged that the said Charles Springer go therefore hence without day.

No. 1238 vs Town of Gallup

T. A. Fabro,

Appeller,

Appellant,

Appeal from District Court McKinley County

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former say of the present term, and the court being now sufficiently advised in the premises, announced its decision by Associate Justice John R. McBie, Chief Justice Mills, and Associate Justices Mann, Parker and Pope, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of McKinley, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with directions that the demurrer be sustained, that the injunction heretofore granted be dissolved and the cause dismissed at the cost of the appellee. It is further ordered by the court that the appellant to have and recover of and from the appellee the costs in this behalf expended for which let execution issue.

No. 1239 United States of America,
 Appellee,
)
)
) Appeal from District Court Fifth Judicial Dist.
M. E. Cook, vs
)
)
) Appellant,
)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Abbott, McFie, Parker and Mann, concurring, affirming the judgment of the district court, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the Fifth Judicial District whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the defendant M. E. Cook be imprisoned in the United States prison situate in the Territorial penitentiary at Santa Fe, New Mexico, for the full term of eighteen months and that he pay the costs of this prosecution to be taxed and that execution issue therefore and the United States Marshal for the Territory of New Mexico is hereby ordered to deliver said M.E.Cook to the superintendent or warden of said prison and that he, said superintendent or warden of said prison confine the said M. E. Cook in said prison for the full term of eighteen months from the date of the commitment hereunder, and that commitment issue therefor.

No. 1259 W. L. Sears,
vs Appellee,
Jhn Pearson,)
Appellant,) Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court at a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Ira A. Abbott, Chief Justice

Mills, and Associate Justices Parker, Mobie and Mann concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this cause came into this court, be and the same hereby is reversed. It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended for which let execution issue.

Board of Bar examiners:

It is ordered by the court that Messrs Charles C. Catron, of Santa Fe, Mullius A. Staab of Albuquerque and W. J. Lucas of Las Vegas, be and they hereby are appointed to constitute the standing board of Bar examiners of this court in accordance with the provisions of Chapter 53 section 1 of the laws of 1909.

No. 1202

Elgin Douthitt, who sues by his next friend)
Thomas J. Douthitt, Appellee,)
vs)
Joshua B. Bailey,)
Appellant,)

Appeal from District Court Chaves County.

This cause coming on before the court upon the motion of appellee herein for judgment on the sureties on the supercedeas Bond, and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged that the appellee herein do have and recover of and from the appellant Joshua B. Bailey as principal, and W. R. Pilant? and J. P. Church, as sureties on the supercedeas bond the sum of two hundred dollars with interest thereon at the rate of six per cent per annum from the 1st day of December A. D., 1906 until paid together with all his costs in this behalf expended for which let execution issue.

No. 1284

James P. Batchen,)
vs Appellee,)
Thomas J. Curran,)
Appellant,)

Appeal from District Court Socorro County.

This cause coming on before the court upon the motion of appellee herein to affirm the judgment of the court below, for the failure of the appellant herein to perfect his said appeal, and for judgment on sureties on the supercedeas Bond, together with ten percent damages thereon and the court having considered the matter and being now sufficiently advised in the premises It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Socorro be and the same hereby is affirmed together with ten percent damages and judgment on the sureties on the supercedeas Bond. It is therefore considered and adjudged by the court that James P. Batchen appellee do have and recover of and from Thomas J. Curran appellant as principal and M. P. Stamm and A. M. Whitcomb, as sureties upon the supercedeas bond herein, the sum of Six hundred and ~~four~~ ^{fifty} ~~nine~~ ⁷⁸ 57/100 dollars with interest thereon at the rate of six per cent per annum from date until paid, together with all costs in this behalf expended for which let execution issue.

NOW comes the the Honorable Wilford W. Cooley, and presents here at the office of the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the Supreme Court of the Territory of New Mexico, which said commission and oath of office is in words and figures following to wit:-

W I L L I A M H A W A R D T A F T .
P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A .
TO ALL WHO SHALL SEE THESE PRESENTS G R E E T I N G :

K N O W Y E ; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Alford W. Cooley, of New Mexico, I have nominated, and by and with advise and the consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining unto Him, the said Alford W. Cooley, for the term of four years commencing with the date hereof, subject to the provisions of Law.

I N T E S T I M O N Y W H E R E O F , I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

(S E A L)

G I V E N under my hand at the City of Washington the second day of June in the year of our Lord one thousand nine hundred and nine and of the Independence of the United States of America the one hundred and thirty-third.

W M . H . T A F T

By the President

G E O . W . W I C T E R S H A M

ATTORNEY GENERAL

O A T H O F O F F I C E F O R U N I T E D S T A T E S J U D G E S .

(Sections 712 and 1757, Revised Statutes.)

I, Alford W. Cooley, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; That I take

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Thursday July 1st,

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this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

(Signed)

Alford W. Cooley

Subscribed and sworn to before me, this First Day of July, 1909

Nathan Jaffa

(Seal)

Secretary of New Mexico

No.	John W. Price	)	
1283	Appellant,	)	
	vs	)	Appeal from District Court Eddy County.
	Pecos Valley & Northeastern Railway Company	)	
	Appellee,	)	

This cause coming on before the court upon the motion of appellant herein for a diminution of the record herein, and asking for a rule on the District Clerk of the Fifth Judicial District directing him to send into this court a correct and full transcript of the testimony of the following witnesses, to-wit: J. W. Kingsinger, the deposition of C. M. Smith, the deposition of Dr J. A. Farnsworth and the deposition of Sister Mary Eleonora and the deposition of J. P. Rhodes; and the court being sufficiently advised in the premises, It is considered and adjudged by the court that a writ of certiorari issue out of this court, directing the clerk of the Fifth Judicial District to send into this court a correct and full transcript of the Testimony of J. W. Kingsinger, the deposition of C. M. Smith, the deposition of Dr J. A. Farnsworth and the deposition of Sister Mary Eleonora and the deposition of J. P. Rhodes.

A N O R D E R

DIVIDING THE TERRITORY OF NEW MEXICO, INTO SEVEN
JUDICIAL DISTRICTS, MAKING ASSIGNMENT OF
JUDGES TO THE SEVERAL DISTRICTS AND
FIXING THE TIME AND PLACE OF
HOLDING COURT THEREIN.

In accordance with an act of Congress entitled "An Act to Amend section eighty-six of an Act to provide a government for the Territory of Hawaii, to provide for additional judges and for other judicial purposes", approved March 3rd, 1909, directing the Chief Justice and Associate Justice of the Supreme Court of the Territory of New Mexico to re-district the Territory into seven Judicial Districts and to make such assignments of the judges provided for in said act as shall in their judgment be meet and proper, Therefore.

We, the undersigned, Chief Justice and Associate Justices of the Supreme Court of the Territory of New Mexico, assembled at the Supreme Court room, in the Territorial Capitol, in the city of Santa Fe, in the said Territory of New Mexico,

BY HEREBY ORDER, That the said Territory shall be divided into seven Judicial districts as follows:

FIRST:

The Counties of Santa Fe, Rio Arriba, San Juan, Taos and Torrance, shall constitute the First Judicial District.

SECOND:

The counties of Bernalillo, McKinley and Sandoval, shall constitute the Second Judicial District.

THIRD:

The counties of Dona Ana, Grant and Luna, shall constitute the Third Judicial District

FOURTH:

The Counties of San Miguel, Colfax, Mora and Union, shall constitute the Fourth Judicial District.

FIFTH:

The Counties of Chaves, Curry, Eddy and Roosevelt, shall constitute the Fifth Judicial District.

SIXTH:

The Counties of Otero, Guadalupe, Lincoln and Quay, shall constitute the sixth Judicial District.

SEVENTH:

The Counties of Socorro, Sierra and Valencia, shall constitute the Seventh Judicial District.

IT IS FURTHER ORDERED, that the Chief Justice and Associate Justices are hereby assigned to the Judicial Districts as Judges thereof, as follows:

To the First Judicial District, Mr Associate Justice John R. McFie, with head-quarters at Santa Fe.

To the Second Judicial District, Mr Associate Justice Ira A. Abbott, with head-quarters at Albuquerque.

To the Third Judicial District, Mr Associate Justice Frank W. Parker, with head-quarters at Las Cruces.

To the Fourth Judicial District, Mr Chief Justice William J. Mills, with head-quarters at Las Vegas.

To the Fifth Judicial District, Mr Associate Justice William H. Pope, with head-quarters at Roswell.

To the Sixth Judicial District, Mr Associate Justice Alford W. Cooley, with head-quarters at Alamogordo.

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Day,

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To the Seventh Judicial District, the remaining Associate Justice provided for by law, with head-quarters at Socorro.

That the times and places of holding United States District Courts in the First, Second, Third, Fourth and Sixth Judicial Districts, shall remain as now established.

IT IS FURTHER ORDERED that the time of holding United States District Court in the Fifth Judicial District shall be at the City of Roswell on the Fourth Mondays of April and October of each year.

IT IS FURTHER ORDERED that the City of Socorro in the County of Socorro be and the same hereby is established as a judicial seat of the Seventh Judicial District, and that the time of holding United States District Court in the Seventh Judicial District shall be at the City of Socorro on the Second Mondays in June and December of each year.

IT IS FURTHER ORDERED that the said United States District Courts shall continue in session not to exceed six months at each term.

IT IS FURTHER ORDERED that the respective clerks of the District Courts of the Second, Third and Sixth Judicial Districts transfer to the District Clerk of the proper district all records, papers, books and other things and paraphernalia in their official custody belonging or appertaining to each and all of said counties comprising each respective district and that they shall take receipts from the said various clerks thereof.

EVERY writ, summons, bond, recognizance, subpoena, venire or other process which has been or may be issued or taken out from the United States District Court for any of said Districts, returnable to a regular term of Court, shall be returnable at the times and places designated in this order and shall have the same force and effect as if the same had been made returnable at the times and places mentioned herein.

The foregoing order shall take effect and be in force from and after the First day of July A. D., 1909

IT IS FURTHER ORDERED that the clerk of the Supreme Court of the Territory of New Mexico, enter the foregoing order on the records of this court and that he transmit a certified copy thereof, attaching the seal of this Court thereto, to the Attorney General of the United States to each of the Clerks of the various Judicial Districts of the Territory of New Mexico, to the United States District Attorney for New Mexico and to the United States Marshal for New Mexico.

WITNESS our hands this first day of July, A.D., 1909

(Signed)

William J. Mills, Chief Justice

John R. McFie, Associate Justice

Frank W. Arker, Associate Justice

Ira A. Abbott, Associate Justice

William H. Pope, Associate Justice

Alford W. Cooley, Associate Justice.

No. 1221 Michael A. Ross, Appellee,)
vs) Appeal from District Court Bernalillo County.
Clark H. Carr, et als.)
Appellants,)

This cause coming on upon the motion of appellant for a rehearing and The attorney for appellee herein having informed the court that this cause and the judgment therein had been all settled it is therefore considered and adjudged by the court that the motion for rehearing in this cause be and the same hereby is overruled.

It is ordered that the court do now adjourn until August the 24th A. ., 1909 at ten o'clock A. M.

William J. Mills

Chief Justice.

Day,

August 6th

A. D.

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Now comes the Honorable Merritt C. Mechem, and presents here to the clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the said Supreme court of the said Territory of New Mexico, which said commission and oath of office are in words and figures, following to wit:-

W I L L I A M H O W A R D T A F T ,

P R E S I D E N T O F T H E U N I T E D S T A T E S , O F A M E R I C A .

T O A L L W H O S H A L L S E E T H E S E P R E S E N T S , G R E E T I N G :

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Merritt C. Mechem, of New Mexico, I have nominated and by and with the advise and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers privileges and emoluments to the same of right appertaining unto Him the said Merritt C. Mechem, for the term of four years, commencing with the date hereof, subject to the provisions of Law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed

(SEAL)

GIVEN under my hand at the City of Washington the Thirty-first day of July in the year of our Lord one thousand nine hundred and nine and of the Independence of the United States of America the one hundred and thirty-fourth.

BY the President

W M. H. T A F T

G E O. W. W E I K E R S H A M

Attorney General

O A T H O F O F F I C E F O R U N I T E D S T A T E S J U D G E .

I, Merritt C. Mechem, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and Laws of the United States; and that I will support and defend the Constitution and laws of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

Merritt C. Mechem

Subscribed and sworn to before me this 6th day of August A.D., 1909

Nathan Jaffe

Secretary of New Mexico

(SEAL)

Thirteenth day, Tuesday, August 24th, A. D., 1909.

Court met pursuant to adjournment.

Present, Honorable William J. Mills, Chief Justice,

Honorable John R. McFie, Associate Justice,

Honorable Frank W. Parker, Associate Justice,

Honorable William H. Pope, Associate Justice,

Honorable Ira A. Abbott, Associate Justice,

Honorable Alford W. Cooley, Associate Justice

Hon Merritt C. Mechem, Associate Justice

David J. Leahy, United States Attorney for New Mexico

Frank W. Clancy, Attorney General

C. M. Foraker, United States Marshal, for New Mexico by W.R. Forbs Deputy

Jose D. Sens, Clerk.

Record of Thursday, July, 1st, 1909 was read and approved.

It is ordered by the court that Charles F. Abreu, be and he hereby is appointed crier for the present session of this court, whereupon he appears and is duly sworn as such.

No. 1249,	Joseph C. Baldrige,	)	
	vs	)	
	A. L. Morgan, et al.,	)	Appeal from District Court Bernalillo County.
	Appellant,	)	

No. 1252,	N. Nash,	)	
	vs	)	
	A. L. Morgan, et al.,	)	Appeal from District Court Bernalillo County.
	Appellants,	)	

No. 1275,	Nick Metz,	)	
	vs	)	
	Andres Romero	)	Appeal from District Court Bernalillo County
	Appellant,	)	

It is ordered by the court that the above entitled causes, be and the same are hereby consolidated for hearing in this court, and that the same shall be decided as one, cases.

No. 1250	Eagle Mining & Improvement Company,	)	
	Plaintiff in Error	)	
	vs	)	
	Robert E. Lund,	)	Error to District Court Chaves County.
	Defendant in error,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term

No. 1256,	The Sacramento Valley Irrigation Co.,	)	
	Plaintiff in error,	)	
	vs	)	
	Oliver M. Lee,	)	Error to District Court, Otero County.
	Defendant in error,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1257 M. G. Padden, et al,
Appellants,
vs
American Placer Company,
Appellee,
Appeal from District Court Lincoln County.

This cause coming on before the court upon the motion of appellant for a writ of certiorari and suggesting a diminution of the record, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the clerk of this court issue a writ of certiorari against the District Court of the Sixth Judicial District in and for the county of Lincoln, directing to forward to this court a complete transcript of record, in the above entitled cause, especially Copies of the judgments of M. G. Padden et al, vs American Placer Company; C.B. Hatfield, vs American Placer Company, and Geo W. Prichard vs American Placer Company, marked Exhibits "A", "B" and "C" Also copy of the chattel mortgage of the American Placer Company, to William Johnson, Trustee; Also second mortgage of said defendant company to said Johnson, said mortgages marked Exhibits "D" and "E", and referred to on page 14 of the testimony, contained in said transcript. Also certain letters and other exhibits marked "F", "G", and "H" and "I" referred to in the testimony contained in said transcript at pages 20 and 21; Also Exhibit "J" referred to on page 30 in said transcript; also published Articles of Incorporation. marked Exhibit "K" and referred to in said Testimony, contained in said transcript;

It is further ordered by the court that this cause be and the same hereby is continued for the term.

No. 1265 The Fire Association of Philadelphia Intervenor Burton Lingo Co. Appellants,
vs
S. E. Patton, et al., Appellees,
Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1266 Cordelia Irwin, Appellant
vs
Sovereign Camp of the Woodmen of the World, Appellee,
Appeal from District Court Chaves County,

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is submitted to the court on record, and the court not being sufficiently advised in the premises takes the same under advisement. It is ordered by the court that the appellee do have until September 10th in which to file his briefs herein.

No. 1274 Territory of New Mexico Ex rel Albuquerque Relator
vs
Ira A. Abbott, Judge etc. Respondent
Mandamus

It is ordered that this cause be and the same hereby is dismissed at the cost of relator.

Sam Davidson,)
 Appellant,)
 No., 1277 vs) Appeal from District Court Roosevelt County.
 V. O. Moutry, et al.,)
 Appellees,)

On Motion it is ordered by the court that this cause be and hereby is dismissed at appellants cost.

Sam Davidson,)
 Appellant,)
 No. 1278 vs) Appeal from District Court Roosevelt County.
 Joseph Schweikard, et al,)
 Appellees,)

Now comes the appellant herein and says to the court that he will no longer prosecute his appeal herein It is therefore considered by the court that this cause be and the same hereby is dismissed at Appellants cost

John King,)
 Appellant,)
 No. 1263 vs) Appeal from District Court Union County.
 Lévi Tabor,)
 Appellee)

Otto Mann,)
 Appellant,)
 No. 1270 vs) Appeal from District Court Bernalillo County
 John H. Gordon)
 Appellee,)

Charles W. White,)
 Appellant,)
 No. 1271 vs) Appeal from District Court San Juan County.
 W. M. Johnson,)
 Appellee,)

Eslavio Vigil,)
 Appellant)
 No. 1276 vs) Appeal from District Court Bernalillo County.
 Andrew B. Stroup,)
 Appellee,)

Territory of New Mexico,)
 Appellant)
 No. 1281 vs) Appeal from District Court Roosevelt County.
 Eastern Railway of New Mexico)
 Appellee,)

J. M. Cowles,)
 Appellant,)
 No. 1282 vs) Appeal from District Court Chaves County
 J. J. Hagerman,)
 Appellee)

J. W. Price,)
 Appellant,)
 No. 1283 vs) Appeal from District Court Eddy County.
 The Pecos Valley and Northeastern Railway)
 Appellee,)

William J. Roberts, et al.,)
 Appellant,)
 No. 1285, vs) Appeal from District Court, Lincoln County,
 The Mine & Smelter Supply Co.,)
 Appellee,)

Territory of New Mexico,)
 Appellee,)
 No. 1290 vs) Appeal from District Court Bernalillo County.
 Dick Eagle,)
 Appellee,)

No.	J. H. Rapp,		)	
1292		Appellant,	)	
	E. B. Venable, etc.,	vs	)	Appeal from District Court Grant County.
		Appellee,	)	
No.	J. G. Walker,		)	
1293		Appellant,	)	
	J. A. Street, et al,	vs	)	Appeal from District Court Quay County.
		Appellees,	)	
No.	Robert Hagin,		)	
1294		Appellee,	)	
	Jeff Collins,	vs	)	Appeal from District Court Quay County
		Appellant	)	

It is ordered by the court that the above and foregoing twelve cases, be and the same here by are continued for the term.

No.	Territory of New Mexico,		)	
1261		Appellee,	)	
	J. B. Marrin,	vs	)	Appeal from District Court, Eddy County.
		Appellant,	)	

This cause coming on for hearing upon the motion of the bondsmen in the appeal bond of J. B. Marrin, to set aside the forfeiture of the bond heretofore taken herein, and having paid the costs of this court together with the costs of transportation herein, and there being no opposition by the Territory, It is therefore considered and adjudged by the court that the order heretofore entered herein forfeiting the appeal bond in the above entitled cause, be and the same hereby is set aside and held for not. It is further ordered by the court that the Clerk of this Court pay into the hands of the Territorial Treasurer the sum of one hundred and sixty three dollars and twenty cents, now in his hands amount paid for transportation by the Territory and refunded by the bondsmen herein.

No.	The Territory of New Mexico, ex rel. Oro But-		)	
1286,	ter Meece,	Relator	)	
		vs	)	Mandamus
	Ira A. Abbott, Judge etc?		)	
		Respondent	)	

This cause coming on before the court upon a motion to quash the alternative writ of mandamus herein, heretofore issued by this court the same is argued by Messrs George W. Clock, and Francis E. Wood, for Respondent, and Neil B. Field, for relator and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement

In Re Admissions to the Bar

Now comes the Board of Bar examiners of the Territory of New Mexico, and report to the court that they find Messrs Jas S. Hayden, John Joseph Ryan, C. E. McGinnis, C. L. Henry, Louis S. Wilson, John M. White and William B. Sweezy, suitable persons to be admitted to the bar of this court and upon Motion of William J. Lucas, It is ordered by the court that Messrs Jas S. Hayden, John Joseph Ryan, C. E. McGinnis, C. L. Henry, Louis S. Wilson, John M. White and William B. Sweezy, be admitted as attorneys, solicitors and counselor of this court upon the taking the oath of office and subscribing to the attorneys roll, and that the clerk of this

court issue to the said named persons a proper certificate of admission, Whereupon they all and each of them appeared in open court and were duly sworn and subscribed to the roll.

No. 1161 John Jenkins, Plaintiff in Error,)
vs) Appeal from District Court Col'as County.
The Maxwell Land Grant Co.,)
Defendant in error,)

This cause coming on to be heard, upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. C. Voorhees, Esq. for Plaintiff in error? and C. A. Spiess, Esq? for defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Spiess.

Chief Justice etc.

Fourteenth

Day,

Wednesday August 25th

A. D.

1909

Fourteenth Day, Wednesday, August 25th, 1909

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Hoseph C. Baldridge,	)	
1249	vs	)	
	A. L. Morgan, et al.,	)	Appeal from District Court Bernalillo County
	Appellee,	)	
	Appellants,	)	
No.	N. Nash,	)	
1252	vs	)	
	A. L. Morgan, et al.,	)	Appeal from District Court Bernalillo County
	Appellee,	)	
	Appellants,	)	
No.	Nick Metz,	)	
1275	vs	)	
	Andres Romero,	)	Appeal from District Court Bernalillo County.
	Appellant,	)	

It is ordered by the court that the entry made in the above entitled cause, in the record of yesterday's proceedings consolidating the above entitled cause, be corrected and set aside and that this cause be joined together in so far as the argument is concerned, but that they shall not be considered consolidated in this court.

No.	Eslavio Vigil,	)	
1276	vs	)	
	Andrew B. Stroup,	)	Appeal from District Court Bernalillo County
	Appellant,	)	
	Appellee,	)	

It is ordered by the court that the order of continuance in the above entitled cause heretofore entered, be and the same hereby is set aside, and this cause is hereby set for hearing at this session of the court.

No.	United States of America,	)	
1287,	vs	)	
	Carl Adams, et al.,	)	Appeal from Sixth Judicial District Court,
	Appellee,	)	
	Appellants,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is further ordered by the court that the appellant herein do have thirty days from this date within which to file his briefs herein and appellee fifteen days thereafter to reply.

No.	Levi R. Thompson,	)	
1279	vs	)	
	Albuquerque Traction Co.,	)	Appeal from District Court Bernalillo County
	Appellee,	)	
	Appellant,	)	

It is ordered by the court that this cause, be and the same hereby is continued for the term.

No. 1272 M. R. Summers, Adm. Appellee,)
 vs) Appeal from District Court Sandoval County
 Sandoval County, Appellant,)

It is ordered by the court that this cause, be and the same hereby is continued for the term

No. 1203 Olive Corcoran, Appellee,)
 vs) Appeal from District Court Bernalillo County.
 Albuquerque Traction Company,)
 Appellant,)

This cause coming on before the court upon the motion of appellant herein for a rehearing and of appellee for judgment against the sureties in the Supercedeas or appeal Bond, and the court being sufficiently advised in the premises, denies the motion for a rehearing and grants the motion for judgment against the sureties in the appeal bond. It is therefore considered and adjudged by the court that the motion for a rehearing herein, be and the same hereby is overruled and denied. It is further ordered by the court that the appellee Olive Corcoran, do have and recover of and of the Appellant The Albuquerque Traction Company, as principal, and of and from A. B. McMillen, and A. W. Flournoy, Sureties on the appeal bond herein, the sum of Eleven Hundred Dollars, with interest from the 12th day of October, A. D., 1906, together with all costs in this behalf expended, to be taxed, for which let execution issue.

No. 1205 Richard Di Palma, and Bernard Ruppe, Appellees,)
 vs) Appeal from District Court Bernalillo County
 J. A. Weinman, and Joseph Barnett,)
 Appellants,)

This cause coming on for hearing upon the motion of appellees herein, to modify the judgment of this court heretofore rendered herein, and the court having had the said motion under advisement and being sufficiently advised in the premises, denies the said motion. It is therefore considered and adjudged by the court that the motion of appellee to modify the judgment herein heretofore rendered be and the same hereby is denied and overruled.

No. 1229 J. A. Street, Appellant,)
 vs) Appeal from District Court Union County.
 Minnie Smith, Appellee,)

This cause coming on before the court upon a motion of appellant herein for a rehearing and the court having had said motion under advisement, and being now sufficiently advised in the premises, denies said motion: It is therefore considered and adjudged that the motion of appellant for a rehearing herein, be and the same hereby is denied and overruled.

No. 1233 Territory of New Mexico, Appellant,)
 vs) Appeal from District Court Bernalillo County.
 Charles K. Newhall, et al., Appellees,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices McFie, Pope, and Parker concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo Whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is ordered and adjudged by the court that the appellees, do have and recover of and from the appellant their costs in this behalf expended, for which judgment is rendered against the appellant.

No. 1234 In the matter of the Voluntary Assignment of)
 Charles Zeiger,) Appeal from District Court Bernalillo County

This cause having been argued by counsel, and submitted to and taken under advisement by the Court on a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Chief Justice Mills, Associate Justices McFie, Pope and Parker Concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the Court that the application of said petitioner to re-open said cause for the admission of further proofs therein, be and the same hereby is denied, and that the appellants herein pay all costs in this behalf expended, for which let execution issue.

No. 1244 Territory of New Mexico, Appellee,)
 vs) Appeal from District Court Santa Fe County.
 Joseph Digneo, Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices Pope, Parker and Abbott, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Santa Fe, whence this cause came into this court be and the same, hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant herein pay unto the Territory of New Mexico, the sum of ten dollars fine and the costs of this prosecution, for which let execution issue.

No. 1249 Joseph C. Baldridge,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
A. L. Morgan, et als,)
Appellants,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. L. Medler, Esq. for appellee, and Niel B. Field, esq. for appellant, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1252 H. Nash, Esq.)
Appellee,)
vs) Appeal from District Court Bernalillo County
A. L. Morgan, et al.,)
Appellants,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court, to abide the decision in No. 1249, in accordance with stipulation hereinbefore, herein filed

No. 1275 Nick Metz,)
Appellee,)
vs) Appeal from District Court, Bernalillo County.
Andres Romero,)
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by N. B. Field, Esq. for appellant, and B. F. Adams, Esq. for appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1260 United States of America,)
Appellee,)
vs) Appeal from Third Judicial District Court
Chin Wong,)
Appellant,)

This cause coming on for hearing upon the motion of the attorney for the sureties on the appeal bond, to set aside the forfeiture of the appeal bond, and to recall the execution herein heretofore issued, and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the judgment of forfeiture herein heretofore entered, be and the same hereby is set aside and held for naught, and that the execution hereinbefore issued herein, be and the same hereby is recalled and that the said sureties on the appeal Bond Y. Fung and Wing Doon go hence without day.

Now comes the Board of Bar examiners, and reports hereto the court that they find Peter Metford, Chester A. Huncker, Melvin T. Dunlavy, Luther P. Spaulding, and Robert Arthur Fergusson, proper and suitable persons for admission to the bar of this court, and upon the motion of William J. Lucas, It is considered and adjudged by the court that the said Peter Metford, Chester A. Huncker, Melvin T. Dunlavy, Luther P. Spaulding and Robert

Robert Fergusson, he and they hereby are admitted as attorneys Solicitors and counsellors at law upon their signing the roll and taking the oath of office, and the clerk of this court is hereby instructed to issued to the said naed persons a proper certificate of admission to the bar of this court. Whereupon they all and each of them appeared in open court and were duly sworn and subscribed to the roll.

No.	Territory of New Mexico			
1269		vs	Appellee,	) Appeal from District Court Bernalillo County.
	Carlos Cecil Ayer,		Appellant,	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No.	Frank M. Duncan,			
1268		vs	Appellee,	) Appeal from District Court Chaves County,
	S. W. Holder, Esq. et al.,		Appellants,	

This cause coming on for hearing, upon the transcript of record, assignment of errors and briefs of counsel, is argued by Henrie Heflin, Esq. for Appellant, and J. W. Eden, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	The Mogollon Gold & Copper Co.,			
1159			Plaintiff in error,	) Appor to District Court Socorro County.
		vs		
	John W. Stout,		Defendant in Error,	

This cause coming on upon the motion of Plaintiff in error herein to retax costs in the above entitled cause, and the court having had the said motion under advisement and being now sufficiently advised in the premises, denies the same, It is therefore considered and adjudged that the motion of Plaintiff in error to retax costs herein, be and the same hereby is denied and overruled.

No.	Territory of New Mexico,			
1224		vs	Appellee,	) Appeal from District Court Santa Fe County.
	Ricardo Alarid,		Appellant,	

This cause coming on for a re-argument, upon the transcript of record, assignment of errors and briefs of counsel, is re-argued by G. A. Spiess, Esq. for appellant, and F. W. Clancy, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises.

The Board of Bar examiners, Having completed their labors, and submitted their final report, It is ordered by the court that the following allowances be and they are hereby made and ordered paid out of the Funds in the hands of the Clerk of this Court, and the Clerk of this court hereby is ordered to issue his warrant in payment thereof. towit@

W. J. Lucas, 3 days Perdiem, \$30, 164 miles, \$16.4)	\$ 46.40
Julius Staab 3 days perdiem, \$30, 168 miles, \$16.80,	46.80
C. C. Catron, 3 days perdiem	30.00
J.D.Sena, Cler., Fee on 14 applications passed upon at \$5 each	70.00

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William James

Chief Justice, etc.

Fifteenth

Day,

Thursday, August 26th,

A. D.

1909

Fifteenth Day, Thursday, August 26th, A. D., 1909

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Territory of New Mexico, ex rel Orin Butter	)	
1286	Meece,	) Relator	
	vs	)	Mandamus
	Ira A. Abbott, Judge, etc.,	)	
	Respondent	)	

This cause having been argued by counsel, and submitted to the court upon the motion of respondent herein to quash the writ of mandamus, and the court having had the same under advisement and being now sufficiently advised in the premises, announces its decision quashing the writ of mandamus, as appears from the decision of the court on file: It is therefore considered and adjudged by the court that the writ of mandamus herein heretofore issued be and the same hereby is quashed. to which relator excepts.

It is further ordered by the court that the relator do have an appeal from the judgment of this court quashing the writ of mandamus, to the Supreme Court of the United States.

In Re Admissions to the Bar;

Upon the recommendation of the Board of Bar examiners, it was ordered by the court that the following regulations relative to the admission of attorneys in this Territory be and they hereby are adopted by the court as follows:

I

That no applicant for examination shall be recommended to admission and license to practice before the Supreme Court of the Territory of New Mexico, unless such applicant shall have a general average of sixty eight per cent, in his examination.

II

That no marks on examination papers be hereafter given out, but it shall be announced to the applicants by "passed" or "failed".

III

That no member of the Board of Bar Examiners shall at any time coach, teach, supervise or in any manner assist any student or applicant for the bar examination in the conduct of his studies and in the preparation for admission to the bar.

IV

That hereafter all applicants for examination and for admittance to the bar on certificate must file his application together with all necessary papers with the Secretary of the Board at Santa Fe, not less than thirty days before the time set for holding the examinations.

That with reference to Sec. 14 Chap 53 Laws of 1899, applicants for admission without examination must have practiced three years immediately prior to the filing of the application and a proper certificate other than the certificate of the applicant, shall be required to show such fact

V.

That no application shall hereafter be considered unless the fee prescribed by law accompany the application; and it shall be the duty of the Secretary to notify any applicant failing to remit the fee with the application of the provision of statute.

VI

That no form of applications be issued by the Board of Bar examiners, but that the applicant shall prepare same in accordance with the provisions of Chapter 53, laws of 1909, and the said form as prepared shall constitute part of the examination of applicant.

VII

That any applicant who has taken the examination twice, as prescribed by law, and failed, shall be permitted to again become an applicant until two years after his last failure, and that he shall then file a new application and take the whole examination as prescribed by law.

VIII

That with reference to Sec 15 Ch. 53 Laws of 1909, all applicants who have studied law two years in some reputable law school or who have not studied law in the office of some member of the bar of this Territory for at least two years continuously and diligently, shall not be permitted to take the examination for admission to the bar.

VIX

That proper certificate, other than the certificate of the applicant shall be required to show that the applicant pursued such studies for two years, continuously and diligently

X

That unless otherwise announced, the Board of Bar examiners shall hold an examination at Santa Fe each year, on the first day of the mid-summer session of the Supreme Court in addition to the regular January examination

XI

That no temporary license shall be granted any applicant unless such applicant shall have filed with the Board of Bar examiners his application for admission to the bar of the Territory.

XII

That the form of the temporary license issued by the various district Courts be changed so as to conform with Sec. 25 of Chapter 53 of the laws of 1909, and that the several district clerks report at once to the Secretary of the Board of Bar Examiners whenever and to whom such temporary licenses shall have been granted, as provided by law.

No. 1201	In Re W. J. Hittson Member of the Bar	}	Disbarment
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This cause coming on before the court upon the motion of W. J. Hittson for re-instatement to the Bar of this Court, and the court having had the motion under advisement, and being sufficiently advised in the premises, denies the same. It is considered and adjudged

by the court that the motion of W. J. Hittson, for re-instatement to the Bar of this Territory be and the same hereby is denied.

No.	Solomon Luna,	)	
1055	Plaintiff in error,	)	
	vs	)	Error to District Court Santa Fe County.
	Cerrillos Coal Railroad Company.	)	
	Defendant in Error	)	

It is ordered by the court that this cause be and the same hereby is continued and is set peremptorily as the first case for the next regular session of this court.

No.	L. E. McRee, Et al.,	)	
1289	Appellants,	)	
	vs	)	Appeal from District Court Colfax County.
	Dominick Cassan,	)	
	Appellee,	)	

This cause coming on for hearing on the motion of appellant for a diminution of the record and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the motion for diminution of the record herein, be and the same hereby is granted. It is further ordered that this cause be and the same hereby is continued for the term.

No.	James Reagan, A	)	
1258	Appellee,	)	
	vs	)	Appeal from District Court Otero County.
	El Paso & Northeastern Ry Co.	)	
	Appellant	)	

This cause coming on for hearing on the transcript of record, assignment of errors and brief of counsel, is argued by John Franklin, Esq. for appellant, and submitted to the court on brief for a pellee, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	Territory of New Mexico	)	
1235	Appellee,	)	
	vs	)	
	Robert Leslie Sr et al.,	)	
	Appellants	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on ^{by the order of the court} briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	James Land Co.,	)	
1267	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Antonio Jose Garcia,	)	
	Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. McMillen Esq. for appellant, and F W. Clancy, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1273

M. B. Goldenburg, Co.,

Appellee,

vs

E. J. Pring, Esq.

Appellee,

Appeal from District Court Quay County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by Edward R. Wright, Esq and John Franklin, Esq for appellant and Chas C. Davidson, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1262

Harry Slocum Friday, etc.

Appellee,

Vs

Santa Fe Central Railway Company

Appellant,

Appeal from First Judicial District Court.

This cause coming on for hearing, upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq. for appellant, and Geo W Prichard, Esq., for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Jones

Chief Justice etc.

Sixteenth

Day,

Friday, August 27th,

A. D.

1909

Sixteenth Day, Friday, August 27th, A. D., 1909

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	George W. Stonerod, et al.,	)	
1288	William P. Beck, et al.,	)	
	Appellants,	)	
	Appellees,	)	Appeal from District Court San Miguel County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by S.B. Davis Jr, and C.A. Spies, Esq for appellant and A. A. Jones Esq. for appellees, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No.	S. J. Weaver,	)	
1291	vs	)	
	A. M. Weaver,	)	Appeal from District Court Colfax County
	Appellant,	)	
	Appellee,	)	

This cause coming on before the court upon the motion of appellee herein to dismiss the appeal, the same is argued by S. B. Davis Jr, Esq. for appellee, and A. A. Jones, Esq. for Appellant, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William D. Mills.

Associate Justice etc.

Seventeenth Day, Saturday August 28th, A. D., 1909

Court met pursuant to adjournment,

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1289	L. E. McRee, et al.,	)	Appeal from District Court Colfax County
		)	
	vs	)	
	Dominick Cassan	)	
	Appellants	)	
		)	
	Appellee	)	

This cause coming upon upon the motion of appellee herein for additional security, and suggesting the death of one of the sureties on the appeal bond, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the motion of appellee herein for additional security be and it hereby is granted and that in accordance therewith it is ordered and adjudged by the court that the appellant herein furnish additional security on their appeal bond and they are hereby granted thirty days from this date so to do.

No. 1211.	Territory of New Mexico	)	Appeal from District Court Bernalillo County.
		)	
	vs	)	
	Geo B. Woodward, et al	)	
	Appellant	)	
		)	
	Appellees	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the counsel, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Frank W. Parker, Chief Justice Mills and Associate Justices McFie and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant take nothing by their writ, and that the defendants or appellees do have and recover their costs in this behalf expended.

No. 1224	Territory of New Mexico	)	Appeal from District Court Santa Fe County.
		)	
	vs	)	
	Ricardo Alarid,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices Mechem, Cooley and Parker, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that

The appellant Ricardo Alarid, be remanded to the custody of the Sheriff of the County of Santa Fe, until such time as he shall be able to conduct him to the Territorial Penitentiary at Santa Fe, that he be delivered to the Warden or Superintendent of the New Mexico Penitentiary at Santa Fe, and that he be therein confined for the period of one year at hard labor, from this date and that he pay the costs of this prosecution to be taxed, for which let execution issue.

No.	Eslavio Vigil,		)	
1276		Appellant,	)	
	vs		)	Appeal from District Court Bernalillo County
	Andrew B. Stroup,	Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Lowell Lauchrey Esq. for appellant and Hugh J. Collins, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.	A. H. Patton,		)	
1280		Appellee,	)	
	vs		)	Appeal from District Court Roosevelt County
	A. A. Balch,	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is by the order of the court submitted on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	The Arizona & Colorado R.R. Co of New Mexico	)	
1237		Appellee,	)
	vs		)
	Denver & Rio Grande Railroad Company	Appellant,	)

Appeal from District Court Bernalillo County

It is ordered by the court, owing to the absence on account of illness of F. W. Clancy, Esq Attorney for Appellant, that this cause be and the same hereby is continued for the term.

No.	Territory of New Mexico,		)	
1251		Appellee,	)	
	vs		)	Appeal from District Court Socorro County.
	Jose Abran Sais,	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Mills, and Associate Justices Pope, Abbott, and Parker, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Socorro, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that The appellant Jose Aban Sais, be and hereby is remanded to the custody of the sheriff of the county of Socorro, until such time as he can conveniently convey him to the Territorial Penitentiary at Santa Fe, that he be there delivered to the custody of the Warden or superintendent of the New Penitentiary and that he therein be confined for the period of one year from this

date, and that he pay the costs of this prosecution to be taxed for which let execution issue.

It is ordered that the court do now adjourn until Monday morning at ten o'clock A. M.

William J. Mills

Chief Justice etc.

Eighteenth Day, Monday August 30th, A. D., 1909

Court met pursuant to adjournment.

Present as upon Saturday.

Record of Saturday's proceedings is read and approved.

Territory of New Mexico	)	
Nos	Appellee and Defendant in Error	)
1194	vs	)
1198	Jessie Kimmick,	)
	Appellant & Plaintiff in Error	)
		)

Appeal and Writ of error from Sierra County.

This case having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Mills and Associate Justices Meale and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Sierra, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the appellant and Plaintiff in error, Jessie Kimmick be remanded to the custody of the Sheriff of Sierra County, to be by him safely kept until such time as he can conveniently convey him the said Jessie Kimmick, to Santa Fe, New Mexico, there to deliver him to the Superintendent of the Territorial Penitentiary, therein to be confined at hard labor, for the period of twenty years from and after this date and that he pay the costs of this prosecution and that he stand committed until such costs are fully paid.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William J. Mills
Chief Justice etc.

Nineteenth Day, Thursday August 31st, 1909

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1224	Territory of New Mexico,	)	Appeal from District Court Santa Fe County.
	vs	)	
	Ricardo Alarid.	)	
	Appellant	)	

This cause coming on before the court upon a motion of appellant herein to retax the costs in this cause as the same were taxed against him and to tax the same against the appellee herein, and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the motion to retax the costs herein be and the same hereby is granted and that in accordance therewith the costs heretofore taxed against the appellant in this cause be and the same hereby are taxed as against the appellee.

No. 1045	United States of America,	)	Appeal from First Judicial District Court
	vs	)	
	Mariano R. Sena,	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by associate Justice Pope, Chief Justice Mills, Associate Justices Parker and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court, in and for the first Judicial District be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that said appellant Mariano R. Sena, be imprisoned at hard labor in the Territorial Penitentiary at Santa Fe in the Territory of New Mexico for the period of one year and one day from this date for and on account of the offense charged in the first count of the said indictment and whereof he stands convicted.

And it is further considered and adjudged by the court that the defendant for and on account of the offense charged in the second count in said indictment and whereof he stands convicted, be imprisoned at hard labor in the Territorial Penitentiary at Santa Fe in the Territory of New Mexico, for a further period of one year and one day, beginning immediately after the termination of the sentence and term of imprisonment last above imposed and adjudged on the first count of the indictment.

And it is further considered and adjudged by the court that the said defendant for and on account of the offense charged against him in the third count of the said indictment, whereof he stands convicted, be imprisoned at hard labor in the Territorial Penitentiary at Santa Fe, in the Territory of New Mexico, for the further period of one year and one

Nineteenth

Day,

Thursday August 31st,

A. D.

1909

which last period of imprisonment shall begin immediately upon the termination of the period of imprisonment hereinbefore adjudged upon the first and second counts of said indictment;

And it is further considered and adjudged that for and on account of the offense charged in the fourth count of the said indictment whereof he stands convicted, the defendant be imprisoned at hard labor in the Territorial Penitentiary at Santa Fe in the Territory of New Mexico, for a further period of one year and one day, which last sentence and period of punishment shall begin immediately upon the termination of the several periods of imprisonment hereinbefore adjudged and imposed in this judgment upon the first, second and third counts of the said indictment, and it is further ordered and adjudged that the defendant pay the costs of this prosecution to be taxed and that execution issue therefor.

No.	United States of America,	)	
1195	vs	)	Appeal from District Court, First Judicial Dist.
	Jesus I. Medina,	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice William H. Pope, Chief Justice Mills and Associate Justices Parker and Abbott concurring, reversing the judgment of the court below and remanding this cause to the court below with directions to quash the third count of the indictment and to grant a new trial upon the second count of the indictment for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the first Judicial District, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with directions to quash the third count of the indictment, and to grant a new trial upon the second count of the indictment.

No.	Territory of New Mexico	)	
1210	vs	)	Appeal from District Court Bernalillo County.
	Hattie Hodgdon Crary et al.?	)	
	Appellees,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Mills, and Associate Justices McFie, Pope, Parker and Colley, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court below, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo be and the same hereby is reversed and this cause hereby remanded to the said district court for further proceedings.

No. 1231

Donaciano Gallegos

Appellee,

vs

E. M. Sandoval,

Appellant,

Appeal from District Court Bernalillo County

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Colley, Chief Justice Mills and Associate Justices Parker, McFie Pope and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the Court that the said appellee, Donaciano Gallegos, do have and recover of and from the appellant E. M. Sandoval, as principal, and Esquipula Baca, and Josefa R. Sandoval as sureties on the supercedeas bond herein, the sum of Five Hundred dollars, together with costs in this behalf expended, to be taxed, for which let execution issue.

No. 1247

Territory of New Mexico

Appellee,

vs

Emilio Valles,

Appellant,

Appeal from District Court Socorro County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Colley, Chief Justice Mills, and Associate Justices McFie, Pope, Abbott and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Socorro, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellant Emilio Valles, be remanded to the custody of the Sheriff of Socorro County, to be by him safely kept until such time as he can conveniently convey him to the City of Santa Fe, New Mexico, that he the said sheriff then and there deliver him to the said Emilio Valles to the Superintendent of the Territorial Penitentiary located at Santa Fe, New Mexico, and that he the said Emilio Valles be by the said Superintendent therein confined at hard labor for the term of one year from and after this date.

No. 1045

United States of America,

Appellee,

vs

Mariano S. Sena

Appellant,

Appeal from First Judicial District Court

It is ordered by the court that the appellant do have thirty days from this date within which to file a motion for rehearing herein.

It is ordered that the court do now adjourn until the 4th day of January A.D. 1910 at ten o'clock A.M.

Twentieth

Day,

Tuesday, January 4th

A. D.

1910

Twentieth Day, Tuesday, January 4th, A. D., 1910

Court met pursuant to adjournment:

Present Honorable William J. Mills, Chief Justice

Honorable John P. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable Merritt C. Mechem, Associate Justice

Jose D. Sena, Clerk.

Record of Tuesday, August 31st, A. D., 1909, was read and approved.

It is ordered by the court that all cases motions etc now pending before this court be and the same hereby are continued for the term

It is ordered that the court do now adjourn Sine Die.

William J. Mills

Chief Justice.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of Government, on the First Wednesday after the first Monday in January, A. D., 1910, the same being Wednesday, January 5th, A. D., 1910.

PRESENT: Honorable William J. Mills, Chief Justice

Honorable John R. Merle, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice,

Honorable Merritt C. Mechem, Associate Justice

David J. Leahy, United States District Attorney.

Frank W. Clancy, Attorney General

C. M. Moraker, United States Marshal by J.H. Smith, Deputy

Jose D. Sena, Clerk

It is ordered by the court that Charles F. Abreu, be and he hereby is appointed a bailiff for the present session of this court.

No. 1256	The Sacramento Valley Irrigation Co.,	)	
	Plaintiff in error	)	
	vs	)	Appeal from District Court Otero County.
	Oliver H. Lee,	)	
	Defendant in error	)	

This cause coming on for argument upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on Briefs, and the Court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the defendant in error herein do have twenty days from this date to file briefs and the plaintiff ten days thereafter to reply.

No. 1311	Territory of New Mexico,	)	
		)	
	vs	)	Appeal from District Court Bernalillo County.
	Juan Hernandez, otherwise known as Benjamin Lopez,	)	
	Appellant	)	

Not Comes the Territory of New Mexico, appellee herein by its Attorney General, and moves the court that the above entitled cause be docketed in this court and that the judgment of the District Court in the above entitled cause be affirmed for failure of the appellant to perfect his appeal herein and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the above entitled cause be and the same hereby is ordered docketed. It is further ordered by the Court that the judgment of the District Court in and for the county of Bernalillo, be and the same hereby is affirmed, and that in accordance therewith. It is considered and adjudged by the Court that Juan Hernandez otherwise known as Benjamin Lopes, be and he hereby is delivered to the custody of the Sheriff of Bernalillo County, to be by him safely kept until such time as he can conveniently convey him to the Territorial Penitentiary at Santa Fe New Mexico.

that he be therein confined at hard labor for the period of ninety years from this date, and that he pay the costs of this prosecution to be taxed for which let execution issue.

Territory of New Mexico	)	
No. 1312	Appellee,	)
	vs	)
Louis B. Robertson alias Lewis B. Robertson.	Appellant,	)
		)
		) Appeal from District Court Quay County.

Now comes the Territory of New Mexico, appellee herein, by its Attorney General Frank W. Clancy, Esq. and moves the Court to docket the above entitled cause, and to affirm the judgment of the court below, for the failure of the appellant herein to perfect his appeal within the time prescribed by law. and the court being sufficiently advised in the premises, grants the same. It is ordered by the court that the above entitled cause be and the same hereby is ordered Docketed and it is further adjudged and decreed by the court that the judgment of the District Court in and for the County of Quay whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Appellant be remanded to the custody of the Sheriff of Quay County to be by him safely kept until such time as he, the said sheriff, can convey him, the said defendant to Santa Fe New Mexico, and there deliver him to the Superintendant of the Territorial Penitentiary to be by him safely confined at hard labor for the period of ten years from the date of the sentence hereof; that he pay the costs of this prosecution to be taxed and that he stand committed until such costs are fully paid.

No. 1237	The Arizona & Colorado Railroad Company of N. M.	)	
	Appellee	)	
	vs	)	
	The Denver & Rio Grande R.R. Company	)	
	Appellant,	)	
		)	Appeal from District Court San Juan County

It is ordered by the Court that this cause be and the same hereby is re-set for hearing for the first adjourned session of this Court.

No. 1306	Territory of New Mexico	)	
	Appellee,	)	
	vs	)	
	Antimo Pettine	)	
	Appellant,	)	
		)	Appeal from District Court Bernalillo County.

It is ordered by the Court that this cause be and the same hereby is re-set for hearing for the first adjourned session of this Court.

In Re Admissions to the Bar.

Now comes the committee heretofore appointed to examine applicants for admission to the Bar of this Court and report here to the court that they find that the following named persons viz James H. Jackson, Oscar Grace, William R. Holly, George R. Hall, John R. Townsend, Isaac Barth H.W. Williams, Walter W. Mayer, Thomas E. Mears, H. R. Parsons, Simpson E. Feree, M. C. Spicer Frank P. Blair, John B. Burg proper and suitable persons for admission to the bar of this Court and upon the motion of W. J. Lucas, Esq. It is considered and adjudged by the court that James

H. Jackson Oscar Grace, William R. Holly, John R. Townsend, Issab Barth, H.W. Williams, Walter Mayes, Thomas E. Mears, H. R. Parsons, Simpson E. Ferec, M. C. Spicer, Frank P. Blair, John B. Burg, be admitted as attorneys, solicitors and consellers of this court, upon their signing the roll and taking the oath of office, Whereupon each of the above named persons with the exception of Oscar Grace, H.W. Williams, Thomas E. Mears, and M. C. Spicer, appeared in open court and were duly sworn and subscribed to the Roll. And the clerk of this Court was directed by the court to issue to the above named persons a proper certificate of admission.

It is ordered by the court that Oscar Grace, H.W. Williams, Thomas e. Mears, and M. C. Spicer, be given until the first adjourned session of this Court to appear and sign the roll and subscribe to the Roll.

It is further ordered by the court that the temporary licenses of Mr Fred C. McDonald, A. W. Brantley, A. Paul Seigal and Ray B. Morgan, be extended until the first day of the mid-summer session of this Court

It is further ordered by the court that the temporary license of J. D. Mell be extended until the first day of the mid summer session of this court provided he shall first file with the Board of Bar examiners his application for admission to the Bar of this Court.

Now Comes Edward A. Mann, and moves the admission to the Bar of this Court of Mr Modesto Ortiz, a member of the Bar of the Second Judicial District Court of this Territory, and the court being sufficiently admitted it is ordered by the Court that Modesto Ortiz, be and he hereby is admitted as an attorney solicitor and Counsellor of this Court, upon signing the roll and taking the oath office and the Clerk of this Court is hereby directed to issue to the said Modesto Ortiz a proper Certificate of admission Whereupon the said Modesto Ortiz appeared in open Court and was duly sworn and subscribed to the Roll.

It is ordered by the Court that a refund of \$10 be made to Mr Modesto C. Ortiz of the fee heretofore paid by him.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock A.M.

William J. Miller

Chief Justice etc

Second Day, Thursday January, 6th, A. D., 1910

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No.	United States of America,	)	
1045	vs	)	
	Mariano F. Sena,	)	Appeal from First Judicial District Court.
	Appellant,	)	

This cause coming on for hearing upon the motion of appellant herein for a rehearing and the court having had the said motion under advisement and being now sufficiently advised in the premises, overrules the same. It is therefore considered and adjudged by the court that the motion for a rehearing in the above entitled cause be and the same hereby is denied.

Nos.	Territory of New Mexico	)	
1194-8	Appellee & Defendant in Error,	)	
	vs	)	Appeal and writ of error from District Court
	Jessie Kimmick,	)	
	Appellant and plaintiff in error,	)	Sierra County.

These cause coming on for hearing upon the motion of appellant and plaintiff in error here in for a rehearing and the court having had the said motion under advisement and being now sufficiently advised in the premises announces its decision denying the motion for rehearing here in : It is therefore considered and adjudged by the court that the motions for rehearing in the above entitled causes be and the same hereby is denied.

No.	Territory of New Mexico	)	
1224	vs	)	
	Ricardo Alarid	)	Appeal from District Court Santa Fe County.
	Appellant,	)	

This cause coming on before the court upon the motion of appellant herein, for a rehearing and the court having had the said motion under advisement, and being now sufficiently advised in the premises, denies the said motion for a rehearing. It is therefore considered and adjudged by the court that the motion for a rehearing, be and the same hereby is denied.

No.	Donaciano Gallegos,	)	
1231	vs	)	
	E. M. Sandoval,	)	Appeal from District Court Bernalillo County
	Appellant,	)	

This cause coming on before the court upon the motion of appellant for a rehearing herein, and the court having had said motion under advisement, and being sufficiently advised in the premises, denies the said motion for rehearing. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied.

No. 1234 In the matter of the Voluntary assignment)
of) Appeal from District Court Bernalillo County.
Charles Zieger,)

This cause coming on before the court upon the motion of appellant herein for a rehearing, and the court having had the same under advisement and being now sufficiently advised in the premises, announces its decision, denying the said motion. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No. 1263 John King,)
Appellant,)
vs) Appeal from District Court, Union County.
Levi Tabor,)
Appellee)

This cause coming on before the court upon the motion of appellee, to dismiss the appeal herein, and a motion of appellant, to file his assignment of errors nunc-pro-tunc, for reasons stated in said motion, and the court having had said motions under advisement and being sufficiently advised in the premises, denies the motion of appellee to dismiss the appeal herein and grants the motion of appellant to file his assignment of errors nunc-pro-tunc. It is therefore considered and adjudged by the court that the motion of appellee herein to dismiss the appeal in the above entitled cause hereby is dismissed. It is further considered and adjudged by the court that the appellant be and he hereby is allowed to file his assignment of errors in the above entitled cause, nunc-pro-tunc.

No. 1250 Eagle Mining & Improvement Company)
Plaintiff in error,)
vs) Error to District Court Chaves County.
Robert E. Lund,)
Defendant in error,)

This cause coming on before the court upon the motion of defendant in error to strike from the files the brief of Plaintiff in error, and the court having had the said motion under advisement, denies the same. It is therefore considered and adjudged by the court that the motion of defendant in error to strike from the files the brief of plaintiff in error be and the same hereby is denied.

No. 1230 Joseph Schmidt,)
Appellee,)
Appeal from District Court Bernalillo County
Southwestern Brewery & Ice Company,)
Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice F.W. Parker, Chief Justice Mills and Associate Justices McIe, Pope and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that

Joseph Schmidt appellee herein do have and recover of and from the Southwestern Brewery and Ice Company, as principal, and of and from Henry Loebs, Don J. Rankin, and Otto Deickman, as sureties on the appeal bond, the sum of Six Thousand, five hundred and Eighty-nine dollars and seventy cents, together with interest at the rate of six per cent per annum from the 24th day of December A. D., 1907, (the same being the date of the entry of judgment in the court below,) until paid, together with his costs in this behalf expended to be taxed, for which let execution issue.

No. 1235 Territory of New Mexico
vs Appellee,
Robert Leslie Sr and Robert Leslie Jr Appellants, (Appeal from District Court Otero County

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice William J. Mills, Associate Justices McFie, Parker, Pope, Abbott and Mechem, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Otero, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said appellant Robert Leslie Senior be remanded to the custody of the sheriff of Otero County, to be by him safely kept until such time as he, the said sheriff, can conveniently convey him, the said appellant, Robert Leslie Senior, to Santa Fe, New Mexico, and there deliver him the said defendant Robert Leslie Senior, to the Superintendent of the Territorial Penitentiary to be by him confined at hard labor for a period of four years from the date hereof; and that he pay a fine of five hundred dollars, and that he pay the costs of this prosecution to be taxed, and that he stand committed until such fine and costs are fully paid.

It is further ordered by the court and is the judgment and sentence of the Court that the said appellant, Robert Leslie, Junios, be remanded to the custody of the sheriff of Otero County, to be by him safely kept until such time as he, the said sheriff can conveniently convey him, the said defendant, Robert Leslie Junior, to Santa Fe, New Mexico, and there deliver him the said defendant Robert Leslie Junior, to the superintendent of the Territorial Penitentiary to be him confined at hard labor for a period of two years and six months; from the date hereof; that he pay a fine of five hundred dollars and the costs of this prosecution to be taxed and that he stand committed until such fine and costs are fully paid.

No. 1249 Joseph O. Baldrige, Appellee,
vs A. L. Morgan, et al, Appellant (Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in

in the premises, announces its decision by Associate Justice Mechem, Chief Justice Mills, and Associate Justices Parker, PaFie and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file.; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that Joseph C. Baldridge, appellee herein do have and recover of and from Andres Romero, as principal and Isidro Sandoval, and Meliton Chavez as sureties the sum of Three thousand, two hundred and fifty one dollars and eighty six cents, with interest thereon from the 11th day of April, 1906, at the rate of six per cent per annum until paid; and also the further sum of **five** 25/100 dollars costs of filing lien, and the further sum of Two hundred and fifty Dollars attorneys fees: That the said plaintiff have a lien on the said described premises for the sum of \$3,251.86 with interest thereon from the 11th day of April, 1906 at the rate of six per cent per annum, until paid; and also the further sum of \$5.25 costs of filing the lien, and the further sum of two hundred and fifty (\$250.00) dollars attorney's fees as above found, and the costs of this suit, and in case said appellant Andres Romero and A. L. Morgan shall make default in the payment of the said sum of money within ninety days from the date of this decree, that Manuel U. Vigil, who is hereby appointed Special Master shall make sale of the said premises at public vendue to the highest and best bidder for cash, after having first given public notice by publication in some newspaper published in said county, of the time and place of said sale, and the terms thereof; and upon the making of such sale, the said Special Master shall make due report of his proceedings to the court for confirmation and upon confirmation of said sale, and out of the proceeds of the said sale, the said Master shall pay; First. the costs of this proceeding, including his compensation and the expenses of the sale; and Second, shall pay to the plaintiff the said sum of three thousand five hundred and fifty one and 86-100 dollars and the interest due thereon from the said 11th day of April, 1906, and also the said costs of filing the lien and attorney's fees; and the surplus, if any, to the said defendant Andres Romero.

It is further considered and adjudged by the court that the sale of said premises, shall be made subject to the liens asserted against the same by Nick metc, in case No. 7102 in which Nick Mets is plaintiff and Andres Romero et al, defendants; by E. J. Post & Company et al, in case No. 7127 vs A. L. Morgan et al; by C.E. Carnehay in case No. 7086 vs Andres Romero, et al; by M. Nash, in case No. 7079 vs Andres Romero, et al, and by H. L. Bell & Co. vs Andres Romero, et al in case No. 7070 and the Rio Grande Lumber Company, in case No. 7059 vs Andres Romero, et al, being causes now pending and undisposed of upon the docket of the District Court in and for the county of Bernalillo, and in which causes now pending and undetermined liens against said property are attempted to be maintained and set up, and that the purchaser of said property, upon said sale and confirmation, shall take the said property subject to the liens which may be hereafter found to be valid liens against said property in said causes above described.

No.
1252

Andres Romero,

vs

Appellant,

M. Nash

Appellee,

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice M. C. Mechem, Chief Justice Mills and Associate Justices Parker, Pope and McFie, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee herein M. Nash to have and recover of and from Andres Romero as Principal, Meliton Chaves and Herculano Garcia as sureties on the appeal bond the sum of Five Hundred and twenty seven and 80/100 Dollars (\$527.80) together with his costs and disbursements herein incurred, to be taxed by the Clerk and the further sum of seventy five (\$75.) Dollars, a reasonable attorney's fee of the plaintiff in this action and have execution against the said defendant A. L. Morgan.

And it is further ordered and adjudged that the aforesaid sums are a lien upon the premises and upon all the right, title and interest which the defendant, Andres Romero, had in and to said premises hereinafter described, from and after the date of the filing of the said lien, to-wit, the 6th day of April, 1906, or which the said defendant, or any or all persons claiming under him since acquired therein.

And it is further ordered and adjudged that the aforesaid premises and all the right, title and interest of the said defendant, Andres Romero, or of any persons claiming under him in and to the premises hereinafter described, or so much thereof as may be necessary to satisfy the amount hereinbefore adjudged to the plaintiff, together with all costs and expenses and the costs of filing said claim for lien, and which may be sold separately without injury to or to the advantage of the parties interested, be sold at public auction by and under the direction of the sheriff of the county of Bernalillo; that the said sheriff give public notice of the time and place of such sale in the manner provided by law for the sale of real estate on execution, that he make, execute and deliver to the purchaser or purchasers, on compliance with the terms of such sale, or parcel of the land so sold, and the sum paid therefor, and that out of the moneys arising from such sale, after deducting the amount of his fees, and expenses of such sale, said sheriff pay to the plaintiff N. Nash, or to his attorney, the aforesaid sum of five hundred and twenty-seven 80/100 dollars together with interest thereon at the rate of six per cent from the 15th day of October, 1908, until paid together with the additional sum of Seventy five dollars attorney's fee or so much thereof as the proceeds of such sale will pay the same, take a receipt therefor, and file it with his report of sale; that he deposit the surplus, if any there be arising from such sale, with the Clerk of this Court, to abide the further order of this court, and that he make a report of such sale and file the same with the Clerk of this Court within ten days from the date of such sale.

And it is further ordered and adjudged by the court that after the filing of said report of sale and the confirmation thereof, the defendants and all persons claiming under them, be and they are, and each of them is hereby forever barred and foreclosed of all right, title, interest and equity of redemption in and to said premises so sold or any part thereof.

The following is the description of the premises hereinabove mentioned, and upon which a lien is established, to-wit:—

Real estate situated in the City of Albuquerque in the County of Bernalillo and Territory of New Mexico, and described as follows, to-wit; Lots numbered Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block numbered twenty-nine (29) of the town of Albuquerque, as said lots are known and designated on a map of the town of Albuquerque, made by M. J. Mack, C.E., and filed in the office of the Probate Clerk and Ex-Officio Recorder in said county of Bernalillo on the 29th day of December, A.D. 1882.

No. 1253	William D. Radcliffe,	)	
		)	
	vs	)	Appeal from District Court Valencia County.
	Jose E. Chaves, Executor,	)	
		)	
		)	
		)	
		)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice W.H. Pope, Chief Justice Mills, and associate Justices Parker, McFie and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Valencia, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the said Appellee William D. Radcliffe, do have and recover of and from the Appellant, Jose E. Chaves the executor of the estate of Felipe Chaves, deceased the sum of one thousand forty-seven 35/100 Dollars, with interest thereon at the rate of six per cent from the 24th day of June A. D., 1908, (the same being the date of the rendition of judgment in the court below) until paid, together with plaintiff's costs and disbursements incurred in this action amounting to \$6.65 and it is further ordered and adjudged and decreed by the court that the said amount be paid by said administrator in due course of administration.

No. 1258	James Reagan,	)	
		)	
	vs	)	Appeal from District Court Otero County.
	El Paso & Northeastern Ry Co.,	)	
		)	
		)	
		)	
		)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Mills, Associate Justices, Abbott McFie, Pope Parker and Mechem, concurring reversing the judgment of the court below and remanding the said cause, for reasons stated in the opinion of the court below, It is there

for considered and adjudged by the court that the judgment of the district Court in and for the County of Otero, whence this cause came into this court, be and the same hereby is reversed and this cause is hereby remanded to the said District Court for further proceedings. It is further considered and adjudged by the court that the said appellant do have and recover of and from the appellee, its costs in this behalf expended, for which let execution issue.

No. 1275
 Nick Metz, Appellee,)
 vs.) Appeal from District Court Bernalillo County.
 Andres Romero, Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justices Mechem, Chief Justice Mills, and Associate Justices Parker, McFie and Pope, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the Court that the said appellee do have and recover of and from Andres Romero as principal, and Meliton Chavez and Fidel Romero, the sum of Nine hundred and fifty dollars (\$950.) with interest thereon from the 19th day of March A.D. 1906, at the rate of six per cent per annum until paid; and also the further sum of Two dollars and fifty cents (\$2.50) costs of filing lien and the further sum of One Hundred Twenty-five dollars, attorney's fees as above found, and the costs of this suit; It is therefore ordered by the Court that the said Appellee Nick Metz do have a lien on the following described premises situate and being Lots Numbered Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block Number Twenty-nine(29) of the New Mexico Town Company's original townsite of the town (now city) of Albuquerque, New Mexico and being situate upon the Northwest Corner of Lead Avenue and first street in the said City of Albuquerque, New Mexico, for the sum of Nine Hundred and Fifty (\$950.00) with interest thereon from the 19th day of March A. D., 1906, at the rate of six per cent (6%) per annum until paid; and also the further sum of Two dollars and Fifty cents (\$2.50), cost of filing the lien, and the further sum of One Hundred Twenty-five Dollars (\$125.00) Attorney's fees as above found and the costs of this suit; and in case the said defendants Andres Romero and A. L. Morgan shall make default in the payment of the said sum of money, within ninety days from the date of this decree, that Manuel U. Vigil, who is hereby appointed special master, shall make a sale of the said premises at public vendue to the highest and best bidder for cash, after having first given public notice by publication in some newspaper published in the said county of the time and place of said sale and the terms thereof; and upon the making of such sale, the said master shall make due report of his proceedings to the court for confirmation, and upon confirmation of said sale, and out of the proceeds of said sale the said master shall pay, first the costs of this proceeding, including his compensation and expenses of the sale, and second shall pay to the plaintiff the said sum of Nine hundred and fifty Dollars (\$950.00), and the interest due thereon from the said 19th day of March, A.D., 1906, and also Two Dollars and Fif-

ty cents the said costs of filing said lien and One hundred Twenty-five Dollars (\$125.00) the said Attorney's fees; and the surplus, if any, to the said defendant Andres Romero.

It is further ordered, adjudged and decreed that the sale of the said premises shall be made subject to the liens asserted against the same by Joseph C. Baldridge in cause 7084, in which Joseph Baldridge is plaintiff and A.L. Morgan and Andres Romero are defendants; by H.L. Post et al, in cause No. 7127, vs A. L. Morgan, et al; By C. E. Carnahan in cause No. 7086 vs Andres Romero et al; By H. Nash? et al., in cause No. 7079, vs Andres Romero, et al; and by J.L. Bell, & Company, vs Andres Romero, et al., in cause No. 7070; and by the Rio Grande Lumber Company in cause No. 7059, vs Andres Romero et al. being causes now pending and undisposed of upon the docket of the District Court in and for the County of Bernalillo, and in which causes now pending undetermined, liens against said property are attempted to be maintained and set up. And that the purchaser thereof shall take the said property, subject to the liens in which may be found to be valid against said property in said causes above described.

No. 1280	A. A. Patton,	)	Appeal from District Court Roosevelt County.
		)	
	Appellee,	)	
	vs	)	
	W. W. Balch,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Mills, and Associate Justices McFie, Parker, and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Roosevelt, whence this cause came into this court be and the same hereby is affirmed; and that in accordance therewith, It is considered and adjudged by the Court that A. H. Patton, do have and recover of and from the defendant W. W. Balch, the possession of the following described real estate, situate in the County of Roosevelt and Territory of New Mexico, to-wit: 120 Feet squarely off the south side of the east half of the Unsurveyed Block, located in the southeast corner of the Original Town of Texico, except that part owned and occupied by the Eastern Railway of New Mexico, for which let a writ of possession issue, and that plaintiff recover his costs herein,

No. 1287	United States of America	)	Appeal from District Court, Sixth District.
		)	
	Appellee,	)	
	vs	)	
	Carls Adamson, et al.,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision per Curiam, Affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore con-

Second

Day,

Thursday, January 6th

A. D.

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sidered and adjudged by the court that the Judgment of the District Court in and for the Sixth Judicial District of the Territory of New Mexico, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said defendant Carl Adamson, be remanded to the custody of the Marshal for the District of New Mexico, to be by him safely kept until such time as he, the said Marshal, can convey him the said Carl Adamson to the Superintendent of the Territorial Penitentiary, to be by him confined at hard labor for the period of one year and six months from the date hereof; that he the said Carl Adamson, pay all the costs of this prosecution, to be taxed, and that he stand committed until such costs are fully paid, and that execution issue.

No. 1293 J. G. Walker, Appellant,)
 vs) Appeal from District Court Quay County.
 K. A. Street, Sheriff & The United States Fidelity & Guaranty Company, Appellee,)

This cause coming on before the court upon the motion of appellant in the above entitled cause, that it will no longer prosecute his appeal herein, but dismisses the same at appellants costs. It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is dismissed at appellants costs.

No. 1297 Seigfried Grunsfeld, Appellee,)
 vs) Appeal from District Court Bernalillo County
 Board of County Commissioners Bernalillo Co.)
 Appellant)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, it submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1180 Eloisa L. De Bergere, et al., Appellees)
 vs) Appeal from District Court Santa Fe County.
 Luciano Chaves et al., Appellants.)

This cause coming on before the court upon the motion of appellants herein for an appeal from the judgment and decree of this court, to the Supreme Court of the United States, and to have the amount of supercedas Bond fixed, and the court being sufficiently advised in the premises grants the said appeal and fixes the amount of Supercedas Bond at the sum of \$5000.00. It is therefore considered and adjudged by the court that the motion of appellant herein for an appeal to the Supreme Court of the United States be and the same is hereby granted from the judgment of this court to the Supreme Court of the United States, And the Supercedas Bond herein, is hereby fixed in the Sum of Five Thousand Dollars, with good and sufficient sureties to be approved by the Clerk of this Court.

No. 1249	Joseph C. Baldridge,	Appellee,	)	Appeal from District Court Bernalillo County
	vs		)	
	A. L. Morgan, et al.,	Appellants,	)	
No. 1252	N. Nash,	Appellee,	)	Appeal from District Court Bernalillo County
	vs		)	
	A. L. Morgan, et al.,	Appellants,	)	
No. 1275	Nick Metz	Appellee,	)	Appeal from District Court Bernalillo County.
	vs		)	
	Andres Romero,	Appellant,	)	

It is ordered by the court that the appellants, do have and are hereby allowed thirty days from this date within which to file motion for a rehearing.

No. 1224	Territory of New Mexico	Appellee,	)	Appeal from District Court, Santa Fe County.
	vs		)	
	Ricardo Alarid,	Appellant,	)	

Comes now the appellant in the above entitled cause on this date, in his own person and petitions the court praying an allowance of a writ of error and his assignment of errors intended to be urged by him and praying further that a duly authenticated transcript of the records and papers upon which the judgment herein was rendered may be sent up to the United States Circuit Court of Appeals for the Eight Circuit and that such further proceedings may be had in the premises as may be just and proper; and upon consideration the Court hereby allows the writ of error and continues the bond of supercedas now in force in the above entitled cause.

No. 1045	United States of America,	Appellee,	)	Appeal from First Judicial District Court,
	vs		)	
	Mariano F. Sena,	Appellant,	)	

Comes now the appellant in the above entitled cause in his own proper person and moves the court for the allowance of a writ of error and his assignment of errors intended to be urged by him and praying further that a duly authenticated transcript of the records, proceedings and papers upon which the judgment herein was rendered may be sent to the United States Circuit Court of Appeals for the Eight Circuit and that such other and further proceedings may be had in the premises the court does hereby allow, the writ of error, and continues in force the Bond of supercedas under which the appellant now stands.

It is ordered by the Court that the Clerk of this Court be, and he hereby is instructed to notify all persons having causes pending for argument in this Court, that if they desire to submit the same to the Court on briefs, preliminary to the February session, the same shall be submitted by stipulation of parties, not later than February 1st, 1910.

In the Matter of the death of
Chief Justice James O'Brien, and J. P.
Victory members of the Bar of this Court.)

Now comes the Attorney General of the Territory of New Mexico, Frank W. Clancy, and announces to the Court the death of Honorable James O'Brien Former Chief Justice of this Court and of Mr John P. Victory member of the Bar of this Court, whereupon the court appointed Messrs T. B. Catron, A. B. Renehan, and C. A. Spiess, a committee to prepare and present to this Court proper resolutions of respect as to the death of Hon Judge James O'Brien, and Messrs F. W. Clancy, Geo W. Prichard, and Chas F. Easley, to prepare similar resolutions, at the February session of this Court, and out of respect of the memory of Former Chief Justice James O'Brien and John P. Victory, the Court adjourned until the 28th day of February A. D., 1910 at ten A. M.

In Re Admissions to the Bar

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this Court and says now to the court that they find Harold B. Jamison, and Alfred Ruis Proper persons to be admitted to the bar of this Court and upon motion of Willie J. Lucas It is ordered by the court that Harold B. Jamison and Alfred Ruis be and they hereby are admitted as Attorneys Solicitors and counsellors of this Court upon signing the roll and taking the oath of office, Whereupon Mr Harold B. Jamison appeared in opened Court and was duly sworn and the Clerk of this Court is hereby directed to issue to Harold B. Jamison and Alfred Ruiz a proper certificate of admission.

It is further ordered by the court that Alfred Ruis be and he hereby is granted until the next session of this Court to appear and sign the roll.

It is further ordered by the Court that the temporary licenses of J. A. Lowe and Roscoe Nisb bet be and the same hereby is extended until the Mid-summer session of this Court.

It is ordered that the Court do now adjourn until Monday, the 28th day of February A. D., 1910 at ten o'clock A. M.

William J. Miller

Chief Justice etc.

Day,

In Vacation

A. D.

No. 1287

United States of America,
 vs
 Carl Admanson,
 Appellant,

)
)
) Appeal from Sixth Judicial District Court
)
)

This cause coming on before the court in vacation upon the motion of the appellant herein to recall the commitment heretofore issued and to fix the amount of Superdedeas Bond on a writ of error to the United States Circuit Court of Appeals for the Eighth Circuit and the Court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the Clerk of this court is hereby directed to recall the commitment in the above entitled cause issued on the 18th day of January A.D. 1910, and fixes the sum of the superdedeas Bond on the said writ of error in the sum of \$5,000, to be approved by the Clerk of this Court.

(Signed)

William J. Mills,

Chief Justice etc

February 21st, 1910

Third Day, Monday, February 28th, A. D., 1910

Court met pursuant to Adjournment.

Present: Honorable William J. Mills, Chief Justice

Honorable John R. McPie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable William H. Pope, Associate Justice

Honorable Ira A. Abbott, Associate Justice

David J. Leahy, United States Attorney

F. W. Clancy, Attorney General

C. I. Foraker, United States Marshal

Jose D. Sena, Clerk.

Record of Thursday, January 6th, was read and approved.

It is ordered by the Court that C. F. Abreu be and he hereby is appointed bailiff for the present term of this court, whereupon he appeared in open court and was duly sworn as such.

No.	Joseph Schmidt,	)	
1230	vs	)	Appeal from District Court Bernalillo County.
	Southwestern Brewery & Ice Company	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellant in the above entitled cause for a rehearing here, and the court having had the said motion under advisement and being now sufficiently advised in the premises, denies the said motion. It is therefore considered and adjudged by the court that the motion for a rehearing in the above entitled cause be and the same hereby is overruled and denied.

No.	Eastern Railway of New Mexico and A.T. & S.F.	)	
1215	R. R. Co.,	)	
	vs	)	Appeal from District Court Roosevelt County
	John Mulligan,	)	
	Appellant,	)	

Now comes the appellee in the above entitled cause, and files in this court a satisfaction of the judgment in the above entitled cause, and moves the court to dismiss this cause and the court being sufficiently advised in the premises, and the satisfaction of judgment having been duly filed, It is ordered by the court that this cause be and the same hereby is dismissed.

No.	John Jenkins,	)	
1161	Plaintiff in Error,	)	Error to District Court Colfax County.
	vs	)	
	The Maxwell Land Grant Co. et al.,	)	
	Defendants in error	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Alfred W. Coole, Associate

Appeal From District Court Socorro County.

Appeal from District Court First District.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently

advised in the premises, announces its decision by Associate Justice Pope, Chief Justice William J. Mills, and Associate Justices Parker, Abbott, and Colley, concurring, reversing the judgment of the court below, and remanding this cause to the said court with directions to quash the indictment, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the court below, in and for the First Judicial District, be and the same hereby is reversed and this cause hereby is remanded with direction to the said District Court in and for the First Judicial District to quash the indictment against the appellant herein.

No. 1262 Harry Slocum Frida, Appellee,)
 vs)
 Santa Fe Central Railway Company) Appeal from District Court First Judicial District
 Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice W. H. Pope, Chief Justice Mills and Associate Justices Parker, Abbott and Colley, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the First Judicial District, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant herein Harry Slocum Friday, do have and recover of and from the Appellee, the Santa Fe Central Railway Company, as principal, and of and from W. S. Hopewell, and Thomas P. Gable, as sureties, the sum of Seven Thousand Five hundred dollars, with interest thereon at the rate of six per cent per annum from the 12th day of October, A. D., 1908, until paid, also his costs in this action for which let execution issue.

No. 1265 The Fire Association of Philadelphia,)
 Burton-Lingo Co, appellants)
 vs) Appeal from District Court Chaves County.
 S. E. Patton, Amelia J. Patton his wife, C.W.)
 Haynes and R.L. Smith, Appellees,)

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Mills and Associate Justices Parker, McFie and Abbott, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is therefore considered by the court that the contract described in said pleadings was executed by said Brooks, without authority and that the same is therefore not binding on the plaintiff and that it secured no rights to the said defendant S. E. Patton. It is further ordered, adjudged and decreed by the Court that the said contract is null and void and that the plaintiff Burton-Lingo Company have a valid and subsisting lien on the lots situated in the Territory of

New Mexico upon which said buildings stood covered by the two policies of insurance sued upon to foreclose which lien a suit is now pending in the Courts of New Mexico in the name of Burton-Lingo Company and against said Patton. And that the defendant Fire Association of Philadelphia is hereby subrogated to all the rights of the said Burton-Lingo Company in said litigation and to all of the liens upon said property to foreclose which said liens litigation was instituted in the Courts of New Mexico as aforesaid, and It is further ordered and decreed that said petition has no just valid defense thereto. And that the defendant Fire Association of Philadelphia may continue to prosecute said litigation in the name of Burton Lingo Company for its own use and benefit and to take all necessary orders and processes therein in the Courts of New Mexico, all this to be done at its own cost.

It is further ordered that the defendant Fire Association do have and recover of and from S. E. Patton, all its costs in its behalf incurred, for which it may have execution together with the costs of the court below as well as those in this court for which let execution issue.

No. 1267	Jemez Land Company,	)	
		)	
	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Antonio Jose Garcia	)	
		)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Mills, and Associate Justices Parker and Pope concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is therefore considered and adjudged by the court that the complaint herein be, and the same hereby is dismissed, that the defendant go hence hereof without day, and recover his costs in this behalf expended to be taxed, and that he may have execution therefor.

No. 1268	Frank H. Duncan,	)	
		)	
	Appellee,	)	
	vs	)	Appeal from District Court Chavez County.
	S. W. Holder, et al.,	)	
		)	
	Appellants,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Mills, and Associate Justices Parker, McFie and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chavez whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court

that said plaintiff do have and recover of and from the said defendants S. W. Holder, J. A. Edwards and M. W. Evans and J. K. Hearte as principal and W. C. Lawrence and E. C. Jackson as Sureties on the supercedas Bond, the sum of seventeen hundred and ten dollars principal with interest thereon at the rate of 6 per cent per annum from the 5th day of December, A. D., 1908 until paid together with his costs in this behalf expended, to be taxed, for which let execution issue.

No.	S. J. Weaver,		)	
1291		Appellant,	)	
	vs		)	Appeal from District Court Fourth Judicial Dist
	A. M. Weaver,	Appellee,	)	

This cause coming on before the court upon the motion of appellee to dismiss, and the court having had said motion under advisement and being sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices Parker, McFie Abbott, and Cool ey, postponing the ruling on this motion until the hearing of the case on its merits for reason stated in the opinion of the Court on file: It is therefore considered and adjudged by the Court that the motion to dismiss herein be and the same here is postponed until the hearing of the case on the merits

No.	E. J. Pring, and Rachael W. Pring	)	
1273	Appellants,	)	
	M. BQ Goldenburg Company	)	Appeal from District Court Quay County.
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of this court, and the court being sufficiently advised in the premises announces its decision by Associate Justice Abbott, Chief Justice Mills, and Associate Justice Parker, McFie Pope and Colley, affirming the judgment of the court below if the appellee, shall, within thirty days, here remit four hundred dollars of the amount found as damages by the District Court. For reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that if the appellee shall, within thirty days, here remit four hundred dollars of the amount found as damages by the District Court, the judgment of the District Court in and for the county of Quay shall be affirmed.

No.	John A. Lee et al.,	)	
1299	Appellants,	)	
	vs	)	Appeal from District Court Dona Ana County.
	Frank W. Parker, et als,	)	
	Appellees,	)	

Now comes E. L. Medler, attorneys for appellant in the above entitled cause, and says here to the court that he will no longer prosecute his said appeal but dismisses the same at his own cost and the court being sufficiently advised in the premises, dismisses the appeal. It is therefore considered and adjudged by the court that the appeal in the above entitled cause be and the same hereby is dismissed at appellants cost.

John P. Victory was admitted to the bar at Poughkeepsie and soon after he was appointed city attorney of Brooklyn in which capacity he served for several years, thereafter continuing in practice in New York until 1883, with the exception of the time spent in the Military service of his country during the Civil war. He was first married in 1864 to Kate Marshall who died in 1876, some years before he left the east for New Mexico, coming directly to Santa Fe, where he resided until the time of his death, twenty-six years later. In

1890 at Santa Fe, he married Miss Mary Maltby, a sister of the wife of ex-Governor William T. Thornton, and left one son of that marriage, who is still living in Santa Fe with his mother.

Mr Victory was a devout catholic and an active member of the Grand Army of the Republic. He was engaged in the practice of his profession in New Mexico from a time shortly after his coming to Santa Fe, in 1883, and there are many of us who knew him well during the greater part, or all, of the time of his residence here. He served with credit and distinction as Mayor of Santa Fe and as Attorney General of New Mexico. He was a lawyer of ability, active and prominent as a citizen of Santa Fe, and in the Political affairs of the party with which he was affiliated, a good and kind husband, and father, Honorable discharging his duties in all the relations of life. While he was not destitute of Physical or moral strength or courage, both of which he possessed in an unusual degree, yet that which endeared him most to his family and friends, was his gentle and loving temper and character. He appeared always to be inspired by feeling of unselfish kindness towards ALL with whom he came in contact, and there can be but few who knew him and survived him who can think of him with any other sentiment than one of most affectionate remembrance.

The existence of such men among us, and their influence upon human society are of an elevating and civilizing character, and it is to be regretted that men of such traits are not more common. We deplore his loss as a man, a citizen, a brother lawyer and a friend.

We extend our sincere and heartfelt sympathy in their sorrow to his widow and son who are still with us, and assure him that those of the bench and bar of New Mexico who knew him, will always cherish his memory as that of one who was both esteemed and loved.

(Signed)

Frank W. Clancy.

George W. Prichard,

Chas. F. Hasley.

Committee

Now comes George W. Prichard, and moves to the Court the admission to the Bar of this Court of Mr Geo Spence, a member of the Bar of the First Judicial District he having been admitted to the bar of the said District prior to the year 1897, and the court being sufficiently advised in the premises, It is therefore considered and adjudged by the Court that Mr George Spence be and he hereby is admitted as an attorney solicitor and counselor of this Court and the Clerk of this Court is hereby directed to issue to the said George Spence a proper certificate of admission to the Bar upon his signing the roll and taking the oath prescribed by the Rules and otherwise complying with the provisions of the rules of this Court Whereupon he appeared in open court and was duly sworn and subscribed to the Roll

Messrs Oscar Grace, Thomas E. Mearns, M. C. Spicer and Alfredo Ruis having been previously admitted to the bar of this Court appeared in open court and were duly sworn and subscribed to the roll.

Day, Monday February 28th,

A. D.

In Chambers of the Judges, Judge McFie, for the Associate Justices, presented to the retiring Chief Justice William J. Mills, as a token of appreciation a silver tray, Pitcher and Goblet inscribed on the tray was the following "

"CHIEF JUSTICE WILLIAM J. MILLS, from his friends and associates on bench, John R. McFie, Frank W. Parker, William H. Pope, Ira A. Abbott, Alford W. Cooley, Merritt C. Mechem, February 28th, 1910." The Pitcher and Goblet bearing the Chief Justices' Monogram. the presentation being accompanied by the following letter

"Supreme Court of New Mexico,

Santa Fe, New Mexico, Feb. 28, 1910

Dear Judge Mills:-

You retire as our presiding officer to-day to become the Governor of our Territory. We who have been associated with you for years in the administration of justice, part with you in keen regret. We have known in you wisdom of counsel in the decision of cases, strength of purpose in dispatching the public business, and the unselfish devotion to duty which bespeaks the faithful public servant. As citizens of New Mexico we are happy that these qualities will not be lost to the Territory, but will be rededicated by you to your new and splendid station of responsibility.

We cannot let this occasion pass without handing you the accompanying token of our esteem and affection, and with it we bid you a hearty God-speed in the work that lies before you.

Very Cordially yours

John R. McFie,
Frank W. Parker
Wm. H. Pope
Ira A. Abbott,
Alford W. Cooley
Merritt C. Mechem

Chief Justice Wm. J. Mills

Santa Fe, N. M.

To which the Chief Justice Replied in the following letter.

"William J. Mills

TERRITORY OF NEW MEXICO
OFFICE OF THE EXECUTIVE

Santa Fe, March 1, 1910

My dear Friends and Brothers:

The expressions contained in your letter of the 28th ultimo, are, I feel, more than I deserve. I have always tried to do my duty wherever I may have been placed, and it was easy so to do while a member of the Supreme Court of this Territory, as I have always had an opportunity of consulting and advising with my associates on the bench, and could count on their earnest co-operation in carrying out any legal proposition that tended to the right and to the public good.

Third

Day,

Monday February 28th

A. D.

1910

I shall endeavor to conduct the affairs of this great territory, while I am its governor, so as to aid and elevate our citizens both morally and materially.

My great regret at leaving the bench is that I shall be no longer in such intimate and close relations with you, gentlemen, whom I esteem so highly and who are such ornaments to the bench.

I accept the beautiful silver pitcher, tray and goblet, which you have given me, and I shall always esteem the gift as one of my choicest possessions and will hand it down as an heirloom to my children.

With best wishes to you all, I am as ever

Very Sincerely yours

William J. Mills.

To the Honorable William H. Pope,

Chief Justice and

Associate Justices of the Supreme Court

of the Territory of New Mexico.

It is ordered that the court do now adjourn until Wednesday Morning at ten o'clock A. M.

William H. Pope,

Chief Justice etc.

Fourth Day, Wednesday March 1st, 1910

Court met pursuant to adjournment.

Present Honorable William H. Pope, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable Ira A. Abbott, Associate Justice

David J. Leahy, United States Attorney

R. W. Clancy, Attorney General.

C. M. Foraker, United States Marshal,

Jose D. Sena, Clerk.

Record of Monday February 28th, was read and approved.

No. 1045	United States of America,	)	
		Appellee,	)
	vs	)	Appeal from District Court, Santa Fe County.
	Mariano R. Sena,	Appellant,	)

Upon reading of appellant's petition for a writ of error etc. and his assignments of errors, both duly filed herein, It is on motion of the appellant in his own person, ordered that the prayer of the said petition be granted; and that a writ of error be and hereby is allowed to have reviewed in the Circuit Court of Appeals of the United States in and for the Eighth Circuit the judgment of affirmance entered herein on the seventh day of January, A.D. 1910, provided that such appellant give a bond according to law in the sum of five thousand dollars, which said bond when approved and filed shall, it is further ordered, operate with the said writ as a supercedeas.

(Signed) Wm. H. Pope

Chief Justice of the Supreme Court of New Mexico

No. 1300	John Spring,	)	
		Appellants,	)
	vs	)	Appeal from District Court Union County.
	A. W. Thomas,	Appellee,	)

This cause coming on before the court upon the motion of appellee herein to affirm the judgment of the court below, and for other relief as prayed, for the reasons stated in the motion of the appellee on file, and the court having had said motion under advisement and being sufficiently advised in the premises, strikes the cause from the Docket of this Court the record not showing an order granting an appeal, It is therefore considered and adjudged by the court that this cause be and the same hereby is stricken from the Docket.

No. 1262	Harry Slocum Friday by his next friend,	)	
	John H. Friday,	Appellee,	)
	vs	)	Appeal from District Court
	Santa Fe Central Railway Company	Appellant	)

Now comes E. W. Dobson, attorney for appellant and moves the court for thirty days leave within which to file a motion for rehearing, and the court being sufficiently advised in

the premises grants the same, It is therefore considered and adjudged by the court that the appellant do have thirty days from this date within which to file motion for a rehearing herein

No. 180
 Eloisa L. de Bergere, et al.,
 Appellees,
 vs
 Luciano Chavez, et al.,
 Appellants,
 Appeal from District Court Santa Fe County.

This cause having come on to be heard upon the motion of the appellants to find the facts and to certify rulings by the court, and the appellants appearing by A. B. Renehan, their attorney and the appellees appearing by C. C. Catron, their attorney, and it further appearing impracticable to make up the record in such respect, and for good cause shown and by consent of the parties, it is ordered that the time for docketing the said cause and filing the record thereof with the Clerk of the Supreme Court be and the same is hereby enlarged thirty (30) days from this date, upon which the citation to the appellees herein was signed by the undersigned.

Wm. H. Pope

Chief Justice of the Supreme Court of New Mexico

Now comes the Honorable William H. Pope, and files for record in the office of the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Chief Justice of the Supreme Court of the Territory of New Mexico which said commission and oath of office was and is in the following words and figures following to wit:-

W I L I A M H O W A R D T A F T,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A.

To all who shall see these Presents, G R E E T I N G:

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of William H. Pope, of New Mexico, I have nominated and by and with the advise and consent of the Senate do appoint him Chief Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto him the said William H. Pope, for the term of four years commencing March 1st, 1910 subject to the provisions of law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed: Given under my hand at the City of Washington the Eleventh day of January in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America the one hundred and thirty-fourth

(SEAL)

W M. H. T A F T.

By the President

Geo. W. Wickersham,

Attorney General

Day,

Wednesday March 2nd

A. D.

1910

OATH OF OFFICE FOR UNITED STATES JUDGES

I, William H. Pope, do solemnly swear that I will administer justice without respect, ^{to person} and do equal right to the poor and to the rich, and that I will faithfully discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding agreeably to the Constitution of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; That I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO Help Me God.

William H. Pope,

Subscribed and sworn to before me this first day of March, 1910

William J. Mills,

Chief Justice Supreme Court New Mexico

Certified as made as above stated to be recorded by the Secretary of the Territory pursuant to law this March 1, 1910

William J. Mills

Chief Justice etc.

Now comes the Honorable Frank W. Parker, and filed for record in the office of the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the Supreme Court of the Territory of New Mexico, which said Commission and oath of office was and is in the following words and figures to wit:-

W I L L I A M H O A W A R D T A F T,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A,

To all who shall see these Presents, G R E E T I N G:

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Frank W. Parker, of New Mexico, I have nominated, and by and with the advise and consent of the Senate do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto Him, the said Frank W. Parker, for the term of four years commencing with the date hereof, subject to the provisions of law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent

and the seal of the Department of Justice to be hereunto affixed.

(SEAL)

Given under my hand at the City of Washington the year of our Lord, one thousand nine hundred and ten and of

Fourth

Day,

Wednesday March 2nd

A. D.

1910

the Independence of the United States of America, the one Hundred and thirty-fourth

Wm. H. Taft.

By the President

Geo W. Wickersham

Attorney General

OATH OF OFFICE OF UNITED STATES JUDGES.

I, Frank W. Parker, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my ability and understanding, that I will support the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, So Help Me God.

Frank W. Parker,

Subscribed and sworn to before me, this 17th day of February, A. D., 1910

Manuel Lopez

Justice of the Peace, Precinct No. 20

Dona Ana County, New Mexico.

It is ordered that the court do now adjourn until Tuesday the 19th day of July at two o'clock A.M.

William H. Pope,

Chief Justice etc.

Day, IN VACATION

A. D.

Now, on this fifth day of March, A. D., 1910, comes Creighton M. Foraker, and presents his commission as United States Marshal for New Mexico, which said commission was and is in the following words and figures following to wit.

W I L L I A M H O W A R D T A C T ,
P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A ,

TO ALL WHO SHALL SEE THESE PRESENTS GREETING:

KNOW YE, That reposing special trust and confidence in the Integrity, Ability and Diligence of CREIGHTON M. FORAKER of New Mexico, I Have Nominated, and by and with the Advise and consent of the Senate, do appoint him Marshal of the United States, in and for the Territory of New Mexico, and do authorize and empower him to execute and fulfill the duties of that Office according to Law, and to have and to hold the said Office with all the powers, privileges, and emoluments to the same of right appertaining unto him the said Creighton M. Foraker for the term of four years commencing with the date hereof, subject to the conditions prescribed by law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent and the Seal of the Department of Justice to be hereunto affixed.

GIVEN under my hand at the CITY OF WASHINGTON, the Eleventh day of January in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America the one hundred and thirty-fourth.

(SEAL)

W m H. T a c t

By the President

G e o. W. . W i w k e r s h a m.

Attorney General.

Day,

July 15th

A. D.

1910

W I L L I A M H O W A R D T A F T.

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A.

T O A L W H O S H A L L S E E T H E P R E S E N T S, G R E E T I N G:

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Edward R. Wright, of New Mexico, I do appoint him to be Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said Office, with all the powers, privileges, and emoluments, to the same of right appertaining unto him, the said Edward R. Wright, until the end of the next session of the Senate of the United States, and no longer, subject to the provisions of Law.

IN TESTIMONY WHEREOF I have caused these letters to be made patent and the seal of the Department of Justice Hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the Second day of July in the year of our Lord one Thousand nine hundred and ten, and of the Independence of the United States of America, the one hundred and thirty-fourth

by the President

Wm. H. Taft

Lloyd M. Bowers,

Acting Attorney General

O A T H O F O F F I C E F O R U N I T E D S T A T E S J U D G E S

I, Edward R. Wright do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD

Edward R. Wright,

Subscribed and sworn to before me this 15th day of July, 1910.

Cresenciano Gallegos

Justice of the Peace Precinct No. 8
Guadalupe County New Mexico

Territory of New Mexico)
County of Guadalupe.) ss

I, the undersigned Probate Clerk and Ex-officio Recorder of the County of Guadalupe

Day,

A. D.

Territory of New Mexico, hereby certify, that it appears from the records of this office that Cresenciano Gallegos, upon the 11th day of July, 1910, was duly qualified and acting Justice of the Peace in and for Precinct No. 8 Guadalupe County, Territory of New Mexico, and as sub Justice of the Peace duly authorized to administer oaths within said Precinct, County and Territory, and I further certify that I am familiar with the official signature of the said Cresenciano Gallegos as the same appears of record in my office, and that the signature of said Justice of the Peace attached to the oath of office of Edward K. Wright as Associate Justice of the Supreme Court of the Territory of New Mexico, dated July 11th, 1910, is the true and official signature of the said Cresenciano Gallegos Justice of the Peace as aforesaid.

Signed and dated at Santa Rosa, Guadalupe County, New Mexico, this 11th day of July,
A. D., 1910

(Seal)

F. D. Crespín,

Probate Clerk, etc. Guadalupe County
New Mexico

Fifth day, Tuesday, July 19th, A. D., 1910

Court met pursuant to adjournment.

Present Honorable William H. Pope, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable Ira A. Abbott, Associate Justice

Honorable Merritt C. Mechem, Associate Justice

Honorable Edward R. Wright, Associate Justice

Herbert W. Clark, United States Assistant District Attorney

Frank W. Clancy Attorney General for New Mexico

Creighton M. Foraker, United States Marshall for New Mexico

Jose O. Sena, Clerk.

Record of Wednesday March 2nd, was read and approved.

It is ordered by the Court that John L. McFie Jr, be and he hereby is appointed Crier for the present term of this Court and Charles F. Abreu Bailiff, whereupon they and each of them appeared in open court and were duly sworn as such.

No.	The Arizona & Colorado R. R. Co of N. H.	)	
1237	Appellee,	)	
	vs	)	Appeal from District Court San Juan County
	The Denver & Rio Grande Railroad Company	)	
	Appellant,	)	

It is ordered by the court that this case be and the same hereby is continued for the term

No.	H. S. Lutz, et al.,	)	
1310	Appellants,	)	
	vs	)	Appeal from District Court Lincoln County
	C. W. Wingfield, et al.,	)	
	Appellees	)	

Now come the appellants in the above entitled cause, and say here to the court that they will no longer prosecute their said appeal, but dismiss the same at appellants costs, and the court being sufficiently advised in the premises, dismisses the same. It is therefore considered and adjudged by the court that the above entitled appeal be and the same hereby is dismissed at appellants cost

No.	Jay Turley, et al.,	)	
1322	Plaintiffs in Error,	)	
	vs	)	Appeal from District Court San Juan County
	L. B. Furman, et al.,	)	
	Appellees	)	

No.	In the matter of the application of M. C. Hinder	)	
1328	Linden for permit to appropriate water from	)	
	No. La Plata River in San Juan County Appellee	)	Appeal from District Court San Juan County
	vs	)	
	Young & Norton et als.,	)	
	Appellants,	)	

It is ordered by the court that H. C. Allen be and hereby is admitted to this court for the purpose of the argument in the two above entitled causes.

Day, Tuesday July 19th

A. D.

1910

Whereas Jose D. Sena, Clerk of the United States Supreme Court of the Territory of New Mexico, has rendered to this court an account for his official services from the first day of January to the 30th day of June, A. D., 1910, both inclusive with items and vouchers thereof in the presence of H. W. Clark, Assistant District Attorney for New Mexico, and has, by his oath, attached to the account, proved to the satisfaction of the court, that the services therein charged have been actually and necessarily performed, as therein stated, and

Whereas, said charges appear to be just and according to law.

IT IS HEREBY ORDERED, that said account amounting to Eighty-four 20/100 (\$84.20) Dollars be and the same hereby is approved. It is hereby certified that upon each day for which pro diem is charged in this account, the Court was opened for business and the Judges present and presiding, except to the following named days, viz (none) on which the Supreme Court was opened and adjourned by the Clerk as provided by section 584 R.S.U.S., and except on the following named days, (viz(none) on which the Supreme Court was adjourned upon the written order of the Chief Justice as provided by section 583 or 585 R.S.U.S. copies of which orders are hereto attached.

No.1256 The Sacramento Valley Irrigation Co.)
 Plaintiff in Error,)
 vs) Error to District Court Otero County.
 Oliver H. Lee,)
 Defendant in Error,)

Upon stipulation and agreement of counsel it is ordered that this cause be and the same hereby is re-submitted to the Court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

No.1245 Delos A. Chapell,)
 Appellant,)
 vs) Appeal from District Court Socorro County
 Daniel H. McMillen, et al.,)
 Appellee,)

Upon agreement and stipulation of counsel, it is ordered by the court that this cause be and the same hereby is re-submitted to the Court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

In the Matter of Admissions to the Bar.

Now comes the committee heretofore appointed to examine all applicants for admission to the bar of this Territory and report here to the Court that they find Messrs Fred W. McDonald, J. Frank Curns, Chas A. Reynolds, Joseph Gill, William E. Rogers, Henry Swan, E. J. Howard, Stanley A. Foutz, W. A. Gillenwater, Herman J. Schimtschulte proper persons to be admitted to the bar of this court, and upon the motion of William J. Lucas, It is considered and adjudged by the Court that Messrs W. A. McDonald, J. Frank Curns Chas A. Reynolds, Joseph Gill, William E. Rogers, Henry Swan, E. J. Howard, Stanley A. Foutz, W. A. Gillenwater, Herman J. Schmitschulte, be and they hereby are admitted as Attorneys solicitors and

It having been ordered by the court at a previous day of the present term, that this cause

be affirmed upon the filing of a remittitur in the sum of Four Hundred Dollars, otherwise to be reversed, and the appellee herein having filed the said remittitur of Four hundred dollars, and the Court being now sufficiently advised in the premises, the judgment of the District Court be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the Court that the said E. J. Pring and Rachael W. Pring, execute and deliver without delay to the said M. B. Goldenberg Company, a deed to the following described premises to wit: to the following real estate lying and being situate in the County of Quay and Territory of New Mexico, to wit: The N.W. 1/4 of Sec. 23 Twp. 11, N.E. 30 E., with the exception of 5 acres to include house and wind mill, also the N. 1/2 of the S. 1/2 of the N.E. 1/4 of Sec. 22 in Twp. 11 N., R. 30 E. and 5 acres adjoining in the S.W. 1/4 of N.W. 1/4 in Sec. 23, as marked in a certain plat attached to the Referee's report in this case marked XX on said plat, said plat being marked "Exhibit B", and the defendants E. J. Pring and Rachael W. Pring, are hereby ordered and commanded to execute such deed without delay to the said M. B. Goldenberg Company, and in event they fail or refuse to do, it is hereby ordered, adjudged and decreed that this decree shall have the same force and effect as though such deed was fully executed and delivered by the said E. J. Pring, and Rachael Pring his Wife, to the said M. B. Goldenberg Company, and a full and complete title to the said above described land is hereby vested in the said M. B. Goldenberg Company.

It is further ordered, adjudged and decrees that the said M. B. Goldenberg Company do have and recover of and from the said E. J. Pring and Rachael Pring as principals and A. B. Simpson and The Federal Bankin; Company as sureties the sum of Two hundred ^{plus} damages and their costs herein expended, for which let execution issue.

It is ordered by the court that the setting of the cases as they appear in the printed list prepared by the Clerk of this Court, and as they same are set from day to day thereon, be and the same hereby are approved and ordered to stand.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope,
Chief Justice.

Sixth Day, Wednesday, July 20th, A. D., 1910

Court met pursuant to a adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved

John Spring,
No. 1300 vs Appellant,
A. W. Thomas, Appellee,
Appeal from District Court Union County

This cause coming on upon the motion for rehearing by appellant herein, and the court having had said motion under advisement, and being now sufficiently advised in the premises, overrules the same.

It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is overruled.

Frank H. Moore, as assignee of the estate of)
No. Charles Zeiger, Appellee,)
1333 vs -) Appeal from District Court, Bernalillo County.
Western Meat Market,)
Appellant,)

Upon stipulation of counsel, It is ordered by the court that this cause be and the same here
by is continued for the term.

No. Wirt Gomez & Co.
1301 vs Appellant,
Geo W. Kutz,)
 Appellee,)

Appeal from District Court Rio Arriba County.

It is ordered by the court that this cause be and the same hereby is re-set for hearing for August 1st, 1910

Territory of New Mexico,
No. Appellee,
1302 vs Appeal from District Court Rio Arriba County
Reynel Garcia
Appellant

It is ordered by the court that this cause be and the same hereby is set for hearing for the first day of August 1910

Macario Torrez
No. 1313 vs Board of County Commissioners Torrance Co.
Appellant,
Appellee,
Appeal from District Court Torrance County.

It is ordered by the court that this cause be and the same hereby is set for hearing for the first day of August A. D., 1910

Territory of New Mexico,
 No. 1396 vs Appellee,
 Antonio Pettina Appellant
 Appeal from District Court Bernalillo County

It is ordered by the Court that this cause be and the same hereby is set for hearing for the 25th day of August A. D., 1910

Territory of New Mexico
 No. 1315 vs Appellee,
 Robert H. Pierce, Appellant,
 Appeal from District Court Bernalillo County

It is ordered by the Court that this cause be and the same hereby is set for hearing for the 25th day of August A. D., 1910

United States of America,
 No. 1216 vs Appellee,
 Santa Rita Mining Company, et al., Appellants,
 Appeal from District Court Third Judicial Dist.

It is ordered by the court on its own motion that this cause be and the same hereby is set for re-argument for the 25th day of July, A. D., 1910

Gallop Electric Light Co.
 No. 1217 vs Appellee
 Pacific Improvement Company Appellant,
 Appeal from District Court McKinley County

It is ordered by the court, of its own motion that this cause be and the same hereby is set for re-argument for the 25th day of July, A. D., 1910

Henry Lockhart,
 No. 1218 vs Appellee,
 Washington Gold & Silver Mining Co., Appellant
 Appeal from District Court Bernalillo County

It is ordered by the court that this cause be and the same hereby is set for hearing for the 25th day of July, A. D., 1910

George C. Maher,
 No. 1227 vs Appellant,
 Angelo Viviani, et al., Appellees,
 Appeal from District Court Bernalillo County

This cause having been by the court reset for argument, and the counsel on both sides E. W. Dobson for Appellant, and T. N. Wilkerson for Appellees, and they not desiring to reargue the case, it is submitted to the Court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Day,

Wednesday July 20th

A. D.

1910

No. 1236
 Emilia M. Perea,)
 Appellee,)
 vs) Appeal from District Court Sandoval County
 State Life Insurance Co of Indianapolis Ind.)
 Appellant)

It is ordered by the court, of its own motion that this cause be and the same hereby is set for re-hearing on the second day of August A. D., 1910

No. 1246
 Aron Gray)
 Appellee,)
 vs) Appeal from District Court Valencia County
 Punic Stone Company, et al.,)
 Appellant,)

It is ordered by the court of its own motion that this cause be and the same hereby is set for re-argument on the 25th day of July, A. D., 1910

No. 1257
 H. G. Padden, et al.,)
 Appellants,)
 vs) Appeal from District Court Lincoln County.
 American Placer Company,)
 Appellee,)

This cause coming on before the court upon the motion of appellee herein to dismiss the appeal herein, the same is argued by John Y. Hewitt, for appellee and George W. Prichard, Esq. for appellants and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

In Re Assignment of Judges:

IN THE SUPREME COURT OF THE TERRITORY OF NEW MEXICO, JANUARY TERM, A.D. 1910

Pursuant to the authority conferred by law, Associate Justice Edward R. Wright, is hereby assigned as Judge of the Sixth Judicial District, with headquarters at Alamogordo. This assignment to remain in full force and effect until otherwise provided by the Chief Justice and Associate Justices of this Court.

Dated July 20th, 1910

William H. Pope, Chief Justice
 John R. Meile, Associate Justice
 Frank W. Parker, Associate Justice
 Ira A. Abbott, Associate Justice
 Merritt C. Macchey, Associate Justice
 Edward R. Wright, Associate Justice

The Clerk of this court is hereby directed to furnish a certified copy of the above order to each of the Clerks of the District Court, to the Attorney General the United States District Attorney for New Mexico and the United States Marshal.

In Re Admissions to the Bar.

Now comes the committee heretofore appointed to examine all applicants for admission to the Bar of this court and reports here to the Court that they find Messrs W. E. Sorrelle, Henry D. Cornell, LeRoy O. Moore, Ramon B. Harrison, P.E. Carter, and Roscoe Nisbet proper per-

proper and suitable persons to be admitted to the bar of this court, and upon the Motion of William J. Lucas, It is ordered by the Court that Messrs W. E. Sorrele, Henry D. Cornell, LeRoy O. Moore, Ramon B. Harrison, P. E. Carter, Roscoe C. Nisbet be and they hereby are admitted as solicitors, Attorneys and Counsellors of the Bar of this Court upon their signing the roll and taking the oath of office and the Clerk of this Court is hereby directed to issue to the said named persons a proper certificate of admission. Whereupon they and each of them appeared in open court and were duly sworn and subscribed to the roll.

It is further ordered by the court that the Temporary Sessence of J. D. Mall, be and the same hereby is extended until the January 1911 Term of this Court.

No.1329	The Costilla Land & Improvement Company,	)	
	Appellee,	)	
	vs	)	Appeal from District Court Taos County.
	Robert Allen, et al.,	)	
	Appellants,	)	

This cause coming on before the court upon the motion of the Appellants for a writ of certiorari, and a diminution of the record, and the case having been argued by A. C. Voorhees for appellants and E. C. Abbott, for Appellees, and submitted to the Court, and the Court being now sufficiently advised in the premises, grants the same.

It is considered and adjudged by the court that the Motion for a writ of certiorari herein made by appellant be and the same hereby is granted and that in accordance therewith the Clerk of the District Court of the First Judicial District is hereby directed to supply the deficiency in that the record does not disclose the fact that at the conclusion of the hearing on the motion of defendants to quash the writ of injunction and order to show cause, that the defendants, prior to proceeding with the hearing, asked for a jury trial which request was denied by the Court, and That there are affidavits in the nature of motions filed in said proceedings that do not appear of record and are essential to the proper presentation of the questions at issue. and that the said District Clerk do have a reasonable time in which to perfect the record in the above entitled cause.

No.1271	Charles W. White,	)	
	Appellant,	)	
	vs	)	Appeal from District Court, San Juan County.
	W. M. Johnson,	)	
	Appellees,	)	

This cause coming on for hearing upon the motion of appellee herein to dismiss the appeal herein for the reason that the appellant herein has failed to file his briefs up to this date, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the Appeal in the above entitled cause be and the same hereby is dismissed.

No.1283	J.W.Price,	Appellant,	)	
	vs		)	
	Pecos Valley & N.E.Ry Co.,	Appellee	)	Appeal from District Court Eddy County

This cause coming on before the court for hearing upon the transcript of record, assign-

ment of errors, and there being a stipulation of counsel to submit the same on briefs on the filed, It is ordered by the court that this cause be and the same hereby is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the following allowances be and the same are hereby made and ordered paid out of the Fund for Admissions to the Bar in the Hands of the Clerk of this Court.

William J. Lucas, Per diem and Mileage attending meeting	\$ 46.40
C. C. Catron, Per diem attending meeting	20.00
Ray B. Morgan, re fund as per voucher	100.00
Jose D. Sena, fee for filing applications and incidentals,	122.80

n It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
Chief Justice

Santa Fe, Tuesday, July 21st, A. D., 1910

Court not pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No. 1149

In re

Gregory Page

Contempt

This cause coming on before the court upon the motion and affidavit of relator for a rule on the said Gregory Page to show cause why he the said Gregory Page should not be punished for contempt, and the court having heard the argument of T. W. Wilkerson for Relator and being sufficiently advised in the premises, announces its decision, denying the rule as prayed for in the prayer of Relator. It is therefore considered and adjudged by the court that the rule herein prayed for be and the same hereby is denied.

No. 1322

Jay Turley, et al.,
Plaintiffs in Error,
vs
L. L. Furman, et al.,
Defendants in Error,

Error to District Court San Juan County.

This cause coming on for argument upon the transcript of record, assignment of errors and briefs of counsel, is argued by R. H. Hanna, Esq and J. C. Wilson, Esq. for Plaintiffs in error and T. C. Allen, Esq and E. C. Abbott, Esq. for Defendants in Error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the defendants in error have nine days from this date within which to file their briefs herein

Upon stipulation orally made and agreed in open court it is ordered by the Court that the Clerk of the District Court forward to the Clerk of the Supreme Court the original papers used in the hearing of this case.

No. 1339

A. E. Hacey,
vs
F. H. Sunderman, et al

Appellee,

Appellants,

Appeal from District Court Chaves County

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, was argued by E. D. Bowers, Esq. for the appellant and R. C. Nisbet for the appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1324

Michael, O'Neill,
vs
Fred J. Otero, Special Master
Appellee,

Appellant,

Appeal from District Court Santa Fe County.

It is ordered by the court that this cause be and the same hereby is set for hearing for

Seventh

Day,

Thursday, July 21st

A. D.

1910

for the 17th day of August, A.D., 1910

No.	J. H. Kingston, and W.D. McHoney,	)	.
1341	Appellants,	)	
	vs	)	Appeal from District Court, Chaves County
	J. W. Walters, Esq.	)	
	Appellees,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Dafe,
Chief Justice.

Eighth Day, Friday, July 22nd, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday.

Record of yesterday's proceedings was read and approved.

No. 1276 Eslavio Vigil, Appellant,)
vs) Appeal from District Court Bernalillo County
Andrew B. Strup, Appellee,)

Comes Now the Appellant in the above entitled cause by Elfe, Esq. Attorney, and respectfully represents to the Court that Eslavio Vigil, Appellant in the above entitled cause died on the 24th day of January 1910, and that Sofia Garcia de Vigil, his wife, was duly appointed administratrix of said estate on the 7th day of February 1910, by the Probate Court of Bernalillo County and the said Vigil having died before judgment was rendered, his Attorney Elfe, therefore asks the Court that Sofia Garcia de Vigil administratrix of said estate be substituted for said Appellant and the case shall proceed at her suit, and the court having had said motion under advisement, and being now sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the Court that Sofia Garcia de Vigil, administratrix, ^{from which she is substituted} be and she hereby is substituted for and in the place of Eslavio Vigil deceased, and that suit shall proceed in her name.

No. 1326 Leandro M. Gallegos, Plaintiff in Error,)
vs) Error to District Court, Union County
Tranquilino Garcia, Defendant in Error,)

Now comes the defendants in Error in the above entitled cause, by J. W. Toombs, his attorney, and moves the court to dismiss the writ of error herein for failure of the plaintiff in error to file assignment of errors herein within the time prescribed time and by return day, and the court having had the same under advisement and being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the writ of error herein be and the same hereby is dismissed.

No. 1328 In the matter of the application of H. C. Hinderliden for permit to appropriate water from La Plata River in San Juan Co.,)
Appellee,)
vs) Appeal from District Court San Juan County.
Young & Norton et als., Appellants,)

Now come the appellee herein by H. C. Allen, his attorney, and asks leave of the Court to withdraw his motion to dismiss the appeal herein, and the court being sufficiently advised, grants the said leave. It is therefore considered and adjudged by the court that that the appellant herein be and he hereby is given leave to withdraw his motion to dismiss the above entitled cause.

No.
1328

In the matter of the application of M. C. Hinderliden, for permit to appropriate water ~~of~~)
 from La Plata River in San Juan County,)
 Appellee)

vs
 Young & Norton, et als.,

Appellants,

Appeal from District Court, San Juan County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by H. A. Martin, Esq for Appellants and H. C. Allen, Esq. for appellee and submitted to the Court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the appellant have ten days from this date within which to file his briefs and the appellee ten days from the date of service of the copy of appellants brief.

No.
1269

Territory of New Mexico,

Appellee,

vs

Carlos Cecil Ayers,

Appellant,

Appeal from District Court Bernalillo County

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Edward W. Dobson, Esq. for appellant, and F. W. Clancy, Esq. Attorney General, for Appellee, and submitted to the Court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until Monday morning at ten o'clock A. M.

William H. Dafe
 Chief Justice etc.

Ninth Day, Monday, July 25th, A. D., 1910 . . .

Court met pursuant to adjournment.

Present as upon Friday, except Honorable Ira A. Abbott, Associate Justice

Record of Friday's proceedings were read and approved.

No. 1216	United States of America,	)	Appeal from District Court, Grant County.
		)	
	vs	)	
	Santa Rita Mining Company, et al.,	)	
	Appellants,	)	

This cause again coming on before the court upon a transcript of record, assignment of errors, and briefs of counsel, was upon stipulation of counsel, submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1218	Henry Lockhart,	)	Appeal from District Court Bernalillo County.
		)	
	vs	)	
	The Washington Gold & Silver Mining Co.,	)	
	Appellant,	)	

This cause again coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, was by agreement of counsel, submitted to the court on Briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

In re Admission to the Bar:

Now comes the committee heretofore appointed to examine applicants for admission to the bar of this court, and say here to the court that they find Mr Faneuil D. S. Bethune a proper person for admission to the bar of this Court, and upon motion of William J. Lucas, It is considered and adjudged by the court that Faneul D. S. Bethune, Be and he hereby is admitted as an Attorney, Solicitor and Counsellor of this court, upon his taking the oath and subscribing to the Roll, as prescribed by the rules, and that the Clerk of this Court issue to the said Faneuil D. S. Bethune, a proper certificate of admission, Whereupon the said Faneuil D. S. Bethune, appeared in open court and was duly sworn and subscribed to the roll.

No. 1246	Aron Craft,	)	Appeal from District Court, Valencia County.
		)	
	vs	)	
	New Mexico Punic Stone Company	)	
	Appellant,	)	

This cause again coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is by agreement of counsel, re-submitted to the Court on Briefs and the court not being sufficiently advised in the premises, takes the same under advisement. Upon the request of counsel, It is ordered by the court that the parties herein do have and they hereby are granted fifteen days from this date within which to file additional briefs.

Day,

Monday? July 25th

A. D.

1910

No. 1272 Melville R. Summers, Administratrix, etc)
 vs Appellee,)
 County of Sandoval,) Appeal from District Court Sandoval County.
 Appellant,)

This cause coming on for hearing, upon the transcript of record, assignment of counsel and briefs of counsel, is argued by George S. Klock, Esq. for appellant and E. W. Dobson, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1273 Levi H. Thompson,)
 vs Appellee,)
 Albuquerque, Traction Company,) Appeal from District Court Bernalillo County.
 Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, and the cause having been called for argument and no attorneys appearing for either side, It is considered and adjudged by the court that this cause be and the same hereby is submitted to the court on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1217 Gallup Electric Light Company, Appellee,)
 vs Appellee,)
 Pacific Improvement Company) Appeal from District Court, McKinley County.
 Appellant,)

This cause again coming on for re-hearing upon the transcript of record, assignment of errors, and briefs of counsel, and the cause having been called and no attorneys appearing for appellee, the cause is by order of the court submitted on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Dole,
 Chief Justice etc.

Tenth Day, Tuesday, July 25th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday and Judge Ira A. Abbott,

Record of yesterday's proceedings is read and approved.

No.1262 Harry Slocum Friday, by his next Friend)
John H. Friday, Appellee,)
vs) Appeal from First Judicial District Court
Santa Fe Central Railway Co.)
Appellant,)

This cause coming on upon the motion of appellant for a rehearing herein, on the ground that the Court below did not have jurisdiction to hear the cause, and the court having had said motion under advisement and being now sufficiently advised in the premises, grants the said motion on the said ground and sets the same for hearing for the 23rd day of August, It is therefore considered and adjudged by the court that the Motion for rehearing herein by appellant, be and the same hereby is granted only on the question as the jurisdiction of the Court below, to hear said cause, and this cause is hereby set for hearing on the said question of the jurisdiction of the court below be and the same hereby is set for hearing for the 23rd day of August A. D., 1910

No.1257 M. G. Paden, et al.,)
Appellants,)
vs) Appeal from District Court, Lincoln County
American Placer Co. et al.,)
Appellees,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon the motion of appellee to dismiss, and the court having had the same under advisement, and being now sufficiently advised in the premises, announces its decision per Curiam, Dismissing the appeal hearing for failure to issue citation herein in accordance with section 2 of Chapter 57 of the Session Laws of 1907, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is affirmed.

No.1283 J. W. Pierce,)
Appellant,)
Vs) Appeal from District Court, Eddy County.
The Pecos Valley & Northeastern Ry Co.,)
Appellees,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Associate Justice Parker, McFie, and Michem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the Court Below, in and for the county of Eddy be and the same hereby is affirmed, and that in accordance therewith, It is ordered and adjudged by the court that the plaintiff take nothing by his said suit and that he pay the

costs herein and that defendant go hence without day.

No.	Territory of New Mexico,		
1296	vs	Appellant,	
	John S. Beaven,	Appellee,	Appeal from District Court, Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court having had the same under advisement, and being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices Parker and McFie, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file.

It is therefore considered, and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the complaint of the above named plaintiff in this cause, be and it is hereby, dismissed upon the merits, and that the plaintiff take nothing thereby; and it is further considered, and adjudged by the court that the defendant recover of this plaintiff his costs in this behalf expended to be taxed for which let execution issue.

No.	Seigfried Grunsfeld,		
1297	vs	Appellee,	
	Board of County Commissioners Bernalillo Co.	Appellant,	Appeal from district Court, Bernalillo County

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, and Parker, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court, in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Plaintiff Seigfried Grunsfeld, do have and recover of and from the said defendant, Board of County Commissioners of the County of Bernalillo, Territory of New Mexico, the sum of Twelve Thousand Nine Hundred and seventy and 24-100 (\$12,970.24) Dollars with interest thereon at the rate of six per cent per annum from ^{21st day of August - 1910} date until paid, and the costs by him paid in this behalf expended, for which let execution issue.

No.	United States of America,		
1327	vs	Appellee,	
	George Snell,	Appellant,	Appeal from Fourth Judicial District Court

Upon stipulation of counsel, it is considered and adjudged by the court that this cause be and the same hereby is continued for the term.

No.1290 Territory of New Mexico)
 Appellee,)
 vs) Appeal from District Court, Bernalillo County.
 Dick Eagle,)
 Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is by agreement of counsel, submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.1298 Territory of New Mexico)
 Appellee,)
 vs) Appeal from District Court, Bernalillo County.
 Thomas A. Harwood,)
 Appellant,)

This cause coming on for hearing upon the transcript of record, Assignment of errors and briefs of counsel, is argued by Edward A. Mann, Esq. for appellant, and F. W. Clancy, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.1303 The Colorado Telephone Company,)
 Appellant,)
 vs) Appeal from District Court, Bernalillo County.
 Charles G. Fields,)
 Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. E. Wood, Esq. for Appellant, and H. E. Hickey Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.1313 Macario Torrez,)
 Appellant,)
 vs) Appeal from District Court, Torrance County
 Board of County Commissioners Torrance Co)
 Appellee,)

It is ordered by the court that this cause, be and the same hereby is re-set for hearing for August 4th, 1910.

No.1279 Levi H. Thompson,)
 Appellee,)
 vs) Appeal from District Court Bernalillo County
 Albuquerque traction Company,)
 Appellant,)

This cause again coming on for hearing by consent of the court, upon the transcript of record, assignment of errors and briefs of counsel, is argued by M. E. Hickey for appellee and A. B. McMillan, for appellant, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock, A.M.

William H. Pope,
 Chief Justice, etc.

Eleventh Day, Wednesday July 27th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No.	John Spring,	)	
1300	vs	)	
	A. W. Thompson,	)	Appeal from District Court, Union County.
	Appellant,	)	
	Appellee,	)	

This cause coming on before the court upon the motion of appellant, to re-instate and the court having had the said motion under advisement, and being sufficiently advised in the premises, overrules the same. It is therefore considered and adjudged by the court that the motion to re-instate in the above entitled cause, be and the same hereby is overruled.

No.	Cordilla Irvin,	)	
1266	vs	)	
	Sovereign Camp of the Woodmen of the World,	)	Appeal from District Court Chaves County.
	Appellant,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to the and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Associate Justices Abbott, McFie, and Parker Concurring, reversing the judgment of the court below and remanding the same with directions to the court below to reinstate the case upon the docket and enter judgment in favor of appellant Cordelia Irvin for the amount due on the beneficiary certificate sued on, with such interest and costs as the law provides. for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is reversed, and this cause is hereby remanded with instructions to the court below, to reinstate the case upon the docket and enter judgment in favor of the appellant Cordelia Irwin, for the amount due on the beneficiary certificate sued on, with such interest and costs as the law provides.

nO.	A. E. Macy,	)	
1330	vs	)	
	F. H. Sunderman, et al.,	)	Appeal from District Court, Chaves County.
	Appellee,	)	
	Appellants,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the Court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Associate Justices McFie, Parker Abbott and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the Court that the Judgment of the district Court in and for the county of Chavez, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the Appellee, A. E. Macy do have and recover

of and from the appellant F. H. Sunderman and Wm. L. Heitmann, as principals, and Howard Russell and Alfred Woodruff, as sureties on the appeal bond herein, damages in the sum of Four Hundred and three 16/100 (\$403.16) Dollars, with interest at the rate of six percent per annum from the 14th day of December, A. D. 1909, until paid, and an additional ten per cent on principal and interest unpaid for an attorney's fee, together with the costs in this behalf expended, for which let execution issue.

No. 1318 Territory of N. M. ex Rel, City of Albuquerque, and Simon Stern Treasurer of the said City of Albuquerque,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
E. Penney as Treasurer and ex-officio Collector of the County of Bernalillo,)
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by George S. Klock, Esq., and appellants and Hugh J. Collins for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope,
Chief Justice etc.

Twelfth Day, Thursday, July 28th, A. D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record as yesterday's proceedings is read and approved.

Territory of New Mexico		)	
No.		)	
1302		)	
	vs	)	Appeal from District Court, Rio Arriba County.
Reynel Garcia,		)	
	Appellant,	)	

It is ordered by the court, upon the application of counsel, that this cause be and the same hereby is set for hearing for August 8th, A.D., 1910

Vicente Montoya, Plain i st , vs Unknown heirs)		)	
of Francisco Montes Vigil, deceased, et al,		)	
No. defendants		)	
1325		)	
	vs	)	Appeal from District Court, Bernalillo County.
Candido G. Gonzales, et al, Intervenor		)	
	Appellees,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. McMillen, Esq. for Appellants, and A. A. Sedillo Esq, and George S. Klock, Esq. for appellees, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until Monday Morning August 1st, at ten o'clock A. M.

William H. Davis,

Chief Justice etc.

Thirteenth Day, Monday August 1st, A.D., 1910

Court met pursuant to adjournment,

Present as upon Thursday

Record of Thursday's July 28th was read and approved.

No. 1272 Melville R. Summers, Administrator, etc) vs Board of County Commissioners, Sandoval County, Appellee,) Appeal from District Court, Sandoval County. Appellant)

This cause having been argued by counsel, submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices McFie, Parker, Mechem and Wright, concurring reversing the judgment of the court below and remanding the said cause to the District Court, for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the District Court, in and for the county of Bernalillo, Whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the District Court of the said County of Bernalillo with instructions to ascertain the number of folios (both printed and written matter) in the fifteen books completed and certified to previous to Summers' death, and having ascertained these to enter judgment in favor of Appellee therefor at the rate of ten cents per folio, the costs of this court to be equally divided among the parties hereto.

No. 1301 Wirt Gomez & Co., vs George W. Kutz, Appellant,) Appeal from District Court Rio Arriba County. Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the parties herein have their briefs on file in the office of the clerk of this court within one week from this date.

No. 1331 Carrie M. Childers, Executrix etc. vs Frank A. Hubbell, Appellant,) Appeal from District Court, Bernalillo County. Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Summers Burkhardt, Esq. for appellant, and F. E. Wood Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope,
Chief Justice etc.

Fourteenth Day, Tuesday, August, 2nd, A.D., 1910

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No.	The Costilla Land & Investment Co. a corpora	)	
1329	tion,	)	
	Appellee,	)	
	vs	)	Appeal from District Court Taos, County
	Robert Allen, et al.,	)	
	Appellants,	)	

It is ordered by the court that the motion to dismiss heretofore filed by the appellee in the above entitled cause, be and the same hereby is set for hearing for Monday August 8th, 1910

No.	United States of America,	)	
1225	Plaintiff in Error,	)	
	vs	)	Error to Sixth Judicial District Court.
	Oliver M. Lee, et al.,	)	
	Defendants in error,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Pope and Associate Justice Parker concurring, Associate Justice Abbott, dissenting, Affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the sixth Judicial District, whence this cause came into this court, be and the same hereby is affirmed, and in accordance therewith, It is considered and adjudged by the court that this cause be and the same hereby is dismissed at plaintiff's costs, to which said order, judgment and decree of the Court the plaintiff excepts.

No.	Charles Meleni, and J. D. Eakin, copartners,	)	
1334	under the firm name of Meleni & Eakin,	)	
	Appellants,	)	
	vs.	)	Appeal from District Court, Bernalillo County
	Alex Freige and Nicolas Freige, copartners	)	
	under the firm name of Alex Freige & Bros.	)	
	Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Isaac Barth, Esq. for Appellant and Neill B. Field, for Appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.	Solomon Luna,	)	
1055	Plaintiff in Error,	)	
	vs	)	Error to District Court, Santa Fe County
	Cerrillos Coal Railroad Company,	)	
	Defendant in error,	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for Friday, August 5th, A. D., 1910.

No. 1336

Jordon Rogers,

Appellee,

vs

A.T. & S. Ry. Co.,

Appellant,

Appeal from District Court, Bernalillo County.

This cause coming on for hearing upon the transcript of record, addignment of errors and briefs of counsel, is argued by R. E. Twitchell, Esq. for appellant, and Francis E. Wood, Esq. for appellee and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

No. 1236

Emilia M. Perea,

Appellee,

vs

The State Life Insurance Company of Indiana
Indianapolis Ind.

Appellant,

Appeal from District Court, Sandoval County.

This cause again coming on for rehearing, upon the transcript of record, assignment of errors, and briefs of counsel, is re-argued by E. W. Dobson, Esq. for Appellant and Neill B. Field, Esq. for Appellee, and submitted to the Court, and the court not being sufficient ly advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Hoge,
Chief Justice etc.

Fifteenth Day, Wednesday August 3rd, A.D., 1910

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No. 1236
 Emilia M. Perea,)
 Appellee,)
 vs) Appeal from District Court, Sandoval County
 The State Life Insurance Company of Indiana-)
 ploy Ind. Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope, and Associate Justices McFie, Mechem and Wright, concurring; affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Sandoval, whence this case came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Emilia M. Perea, appellee, do have and recover of the appellant, The State Life Insurance Company, of Indianapolis Indiana, as principal, and of and from the American Surety Company of New York, as surety on the Supercedeas bond, her damages in the sum of Eleven Thousand and Fifty (\$11,950.00) Dollars, as assed by the jury in their verdict in this case, with interest thereon at the rate of six (6) per cent per annum from the 4th day of February, A. D., 1908, until paid, together with her costs in this behalf expended to be taxed and may have execution therefor.

No. 1237
 P.H.Goesling, et al.,)
 Appellees,)
 vs) Appeal from District Court, Bernalillo County.
 Gross Kelley & Co.,)
 Appellant,)

It is ordered by the court that this cause be and the same hereby is set for hearing for Monday August 15th, 1911

No. 1338
 Franz Schmidt, as Trustee in Bankruptcy of)
 Jaspar N. Broyles, a Bankrupt, Appellee,)
 vs) Appeal from District Court, Bernalillo County
 The Bank of Commerce,)
 Appellant,)

This cause having come on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E.W.Dobson, Esq for Appellant and F. E. Wood, Esq. for Appellee, and submitted to the court, and the court being now sufficiently advised in the premises takes the same under advisement.

it is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
 Chief Justice etc

Sixteenth Day, Thursday, August 4th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No. 1339 Territory of N. M. Ex Rel, Felix H. Lester)
Appellee,)
vs) Appeal from District Court, Bernalillo County.
A.W. Sudith, A.L. Hutchison and E.B. Cristy,)
Judges and James Hill and Bernard Crawford)
Clerks of Election in the 2nd Ward of the)
City of Albuquerque in the municipal elec-)
tion held April, 5, 1910, Appellants,)

It is ordered by the court that this cause be and the same hereby is set for hearing for the eleventh day of August, A.D., 1910

No. 1340 Territory of N.M. Ex rel., Felix H. Lester,)
Appellee,)
vs) Appeal from District Court, Bernalillo County.
A.E. Stevens, Geo H. Ramsey, and E.H. Dunbar,)
Judges and Harry Kelly and Percy L. Hawley)
Clerks of Election in the 3rd Ward of the)
City of Albuquerque in the municipal elec-)
tion Held April, 5, 1910 Appellants,)

It is ordered by the court upon stipulation of counsel, that this cause be and the same hereby is set for hearing for the 11th day of August A. D., 1910

No. 1313 Macario Torrez,)
Appellant,)
vs) Appeal from District Court, Torrance County.
Board of County Commissioners Torrance Co)
Appellee,)

This cause coming on before the court upon the transcript of record, briefs of counsel and assignment of errors and upon the motion of appellee to dismiss was argued by A. B. Rehman, Esq. for appellee, and Edward A. Mann, Esq. for appellee, and submitted to the court and taken under advisement, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Dope,
Chief Justice, etc.

Seventeenth *Day,*

Friday August 5th *A. D.*

1910

Seventeenth Day, Friday, August 5th, A.D., 1910 . .

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Solomon Luna,	)	
1055	Plaintiff in Error,	)	
	vs	)	Error to District Court Santa Fe County.
	Cerrillos Coal. Railroad Company	)	
	Defendant in Error,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is argued by Frank W. Clancy, Esq. for Plaintiff in Error, and T. B. Catron Esq. for Defendant in error, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until Monday morning at two o'clock A. M.

William H. Pope,
Chief Justice etc.

Eighteenth Day, Monday August 8th, A.D., 1910. . .

Court met pursuant to adjournment.

Present as upon Friday.

Record of Friday's proceedings is read and approved.

No. ~~1329~~¹³²⁸

The Costilla Land & Investment Company	)	
Appellee,	)	
vs	)	Appeal from District Court, Taos County.
Robert Allen, et al.,	)	
Appellants,	)	

This cause coming on for hearing upon the motion of appellee herein to dismiss the above entitled cause, the same is argued by E. C. Abbott, Esq. for Appellee and A. C. Voorhees, Esq. for appellants and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1302 Territory of New Mexico,)
 Appellee,)
 vs) Appeal from District Court Rio Arriba County.
Reynel Garcia,)
 Appellant,)

This cause coming on before the court upon the transcript of record, assignment of errors, and briefs of counsel, is argued by A. B. Renehan, Esq. for appellant, and F. W. Clancy Esq. Attorney General for Appellee, and submitted to the Court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1292 J. H. Rapp, Appellant,
vs E. B. Venable, Probate Clerk, etc. Appellee,
Appeal from District Court Grant County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is Argued by Fred C. Knollenburg, Esq. for appellant, and Percy Wilson, Esq. for Appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

Territory of New Mexico)
 No.1295 vs Appellee,)
 Juan Barela,) Appeal from District Court Doña Ana County,
 Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by W. H. H. Llewellyn Esq. for appellant, and A. W. Olancy Esq. Attorney General, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Poff,
Chief Justice etc.

Nineteenth Day, Tuesday August, 9th, A.D., 1910

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Levi R. Thompson	)	
1279		)	
	vs	)	Appeal from District Court Bernalillo County.
	Albuquerque Traction Co.,	)	
	Appellant	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a previous day of the present term, and the court being now sufficiently advised in the premisses, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices McFie, Parker and Mechem, concurring, reversing the judgment of the court below, and remanding the said cause to the said district court for a new trial. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this Court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court for a new trial.

No.	Territory of New Mexico	)	
1298		)	
	vs	)	Appeal from District Court Valencia County.
	Thomas A. Harwood	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the previous term and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices McFie, Parker, Mechem and Wright, concurring, reversing the judgment of the court below, and remanding with directions for a new trial, for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Valencia, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court with directions to grant a new trial.

No.	The Colorado Telephone Company,	)	
1303		)	
	vs	)	Appeal from District Court Bernalillo County.
	Charles G. Fields,	)	
	Appellee,	)	

This cause having been argued by counsel, submitted and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justices McFie, Mechem and Wright, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee go hence without

day and that he recover his costs in this behalf expended, to be taxed, for which let execution issue.

No. 1307 In the matter of the application of Fred Vanderwork, Territory of New Mexico, Intervenor, Appellants, vs J. M. Hewes and E. O. Dean, Appellees, Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Associate Justices Parker Abbott, and Mechem concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the application of Fred Vanderwork to appropriate the water herein sought to be appropriated, be and the same is hereby denied. It is further ordered and adjudged by the court that the Intervenor, the Territory of New Mexico, take nothing by its intervening petition herein and the intervention is dismissed. Intervenor to pay the costs incurred by it. It is further ordered and adjudged by the court that the contestants J. M. Hewes and E. O. Dean do have and recover of and from Fred Vanderwork, all costs by them in this behalf expended in this court as well as in the court below, for which let execution issue

No. 1331 Carrie M. Childers, Executrix Appellant, vs Frank A. Hubbell, Appellee. Appeal from District Court, Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices McFie, Parker, Mechem and Wright concurring, affirming the judgment of the court below, upon the filing of a remittitur of Five Hundred dollars, and if remittitur be filed within 20 days from this date modifying the judgment so as to run for two hundred and ten dollars and as so modified to stand affirmed with costs, otherwise the cause to stand reversed and remanded for a new trial. for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that if the appellee herein file within twenty days from this date a remittitur in the sum of Five Hundred dollars, then and in that case the judgment of the court below shall stand modified so as to run for the sum of two hundred and ten dollars and costs of suit, otherwise the cause shall stand reversed and the same to be remanded with directions for a new trial.

No. 1334 Charles Melini & J. D. Eakin, Co-partners under the firm name of Melini and Eakin,)
Appellants,)
vs)
Alex Freige & Nicholas Freige, Co-partners)
under the firm name of Alex Freige & Brother)
Appellees,)

Appeal from district Court, Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justices McFie, Parker and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellants Charles Melini and J. D. Eakin, co-partners under the firm name of Melini & Eakin, take nothing by their writ of attachment in this cause, and that the said Alex Freige and Nicholas Freige, co-partners under the firm name of Alex Freige, co-partners under the firm name of Alex Freige and Brothers, go hence without day, and recover from the said Melini their costs in this behalf expended for which let execution issue

No. 1308 Jacob Wertheim,)
Appellee,)
vs)
C.R.I. & E.P.Ry.Co.)
Appellant,)

Appeal from District Court Quay County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is upon stipulation of counsel duly filed, submitted to the court on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1304 Territory of New Mexico)
Appellee,)
vs)
James A. Kennedy,)
Appellant,)

Appeal from District Court, Grant County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by R. F. Hamilton, Esq. for appellant, and F. W. Clancy, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1263 John King,)
Appellant,)
vs)
Levi Tabor)
Appellee,)

Appeal from District Court Union County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by C. O. Catron, Esq. for appellant, and there being no appearance for appellee, the case is submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
Chief Justice etc.

Twentieth Day, Wednesday, August 10th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of Yesterday's proceedings is read and approved

No.	George K. Neher,	)	
1227	vs	)	
	Angelo Viviani, et al.,	)	Appeal from District Court, Bernalillo County.
	Appellees,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Chief Justice Pope and Associate Justices Parker, Mechem and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore, considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo County, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is Considered and adjudged by the court that said appellees go hence without day, and recover of and from the appellant, their costs in this behalf expended for which let execution issue.

No.	Franz Schmidt, as trustee in Bankruptcy of	)	
1338	Jaspar N. Broyles, a Bankrupt, Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	The Bank of Commerce,	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justices McFie Mechem and Wright concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo, whence this cause came into this court, be and the same is hereby affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee, Franz Schmidt, as trustee in Bankruptcy of Jaspar N. Broyles, a Bankrupt, recover of and from the appellant, the Bank of Commerce, as principal, and Solomon Luna and Willard S. Strickler, as sureties on the Superceded Bond, the sum of Two Thousand Five Hundred and thirty seven, 67/100 Dollars, with interest thereon from the 24th day of February A. D., 1910,, together with Seventy six 55/100 (76.55) Dollars his costs of the in this behalf expended, for which let execution issue.

Twentieth

Day

Wednesday August 10,

A. D.

1910

No. 1272

Malville R. Summers, Administrator,
Appellee,
vs
Board of County Commissioners Sandoval Co
Appellant,

Appeal from District Court, Bernalillo County.

This cause coming on for hearing upon the motion of appellee herein for further time in which to file motion for rehearing, and the court being sufficiently advised in the premises it is therefore, considered and adjudged by the court that the appellee herein do have until the 24th day of August 1910 in which to file motion for re-hearing herein.

No. 1259

L. E. McKee, and T. G. Gregory
Appellants,
vs
Daminio Casaan,
Appellee,

Appeal from District Court, Colfax County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by C. J. Roberts, Esq. for Appellee, and counsel for Appellants not being present submits the case for appellants on briefs, and the cause is submitted to the Court and taken under advisement, and the court not being sufficiently advised in the premises, takes the case under advisement.

No. 1231

S. J. Weaver,
Appellant,
vs
A. L. Weaver,
Appellee,

Appeal from District Court, Colfax County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. A. Jones, Esq. for appellants, and submitted on the briefs by appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the case under advisement.

It is ordered that the court do not adjourn until tomorrow morning at ten o'clock A. M.

Chief Justice E. C.

Twenty-first Day, Thursday, August 11th, A.D., 1910

Court met pursuant to adjournment.

Present as upon yesterday

Record of Yesterday's proceedings is read and approved.

Territory, ex Rel. Felix H. Lester,)
No.1)
1339) Appellee,)
vs)
A. W. Sudith, A.L.Hutchison and E.B.Christy,)
judges and James Hill and Bernard Crawford,)
Clerks of Election in the 2nd ward of the)
City of Albuquerque in the municipal election)
held April 5, 1910) Appellants)
Appeal from District Court Bernalillo County.

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is consolidated with cause Number 1340 for argument in this court and the decision on the one case shall be decisive of the other.

Territory of N. M. ex Rel, Felix H. Lester,)
No. Appellee)
1340 vs) Appeal from District Court Bernalillo County.
A. E. Stevens, Geo H. Ramsey, and E. H. Dun-)
bar judges and Henry Kelly and Percy J. Haw-)
ley, clerks of Election in the 3rd Ward of the)
city of Albuquerque in the municipal election)
held April 5, 1910 Appellants)

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is consolidated with cause Number 1339 for argument in this court, and the decision on the one case shall be decisive of the other.

Territory of N. M., Ex Rel., Felix H. Lester)
 No. Appellee,)
 1339 vs) Appeal from District Court, Bernalillo County
 A.W.Sudith, A.L.Hutchison, and E.B.Cristy, judg-)
 es and James Hill and Bernard Crawford, Clerks)
 of Election in the 2nd Ward of the City of Al)
 Buquerque in the municipal election held April)
 5th A.D., 1910 Appellants)

Territory of New Mexico ex Rel. H. Lester,
No.)
1740) Appellee,)
vs)
A. E. Stevens, Geo. H. Ramsey, and E. H. Dunbar, Judges and Harry Kelly and Percy J. Hawley, Clerks,)
of Election in the 23d Ward of the City of Albuquerque, in the municipal election held April 5, 1910)
Appellants,)

Appeal from District Court Bernalillo County.

These causes coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued to the Court by E. B. Venable, esq and Edward A. Mann, Esq. for Appellants, and Sumners Burkhart, Esq. for appellee, and submitted to the Court, and the Court not being sufficiently advised in the premises takes the same under advisement.

No. 1342 Ex-Parte Geo E. Priest, Melvin W. Quick, and)
 Charles M. Benjamin, Appellants)
 vs) Appeal from District Court San Miguel County.
 Board of Trustees of the Town of Las Ve-)
 gas, Appellee,)

Upon agreement and stipulation of counsel, it is ordered by the court that this case be and the same hereby is continued for the term.

No. 1323 Las Vegas Railway and power Company)
 a corporation, and William A. Buddecke)
 Appellants,)
 vs) Appeal from District Court, San Miguel County.
 The Trust Company of St Louis a corpo-)
 ration? Appellee,)

This cause coming on for hearing upon the transwript of record, assignment of errors and briefs of counsel, is argued by John D. W. Veeder, Esq. for Appellants, and by W. D. Haydon and C. A. Spiess, Esq. for appellee, ad submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until Monday Morning August 15th at ten o'clock A. M.

William H. Wofford

Chief Justice, etc.

Twenty-second day, Monday August 15th, A. D., 1910

Court met pursuant to adjournment.

Present as upon Thursday last,

Record of Thursday's proceedings is read and approved.

No. 1339 Territory of N. M. es Rel. Felix H. Lester,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
A.W.Sudith, A.L.Hutchison and E.B.Cristy, Judge-)
es and James Hill and Bernard Crawford, Clerks)
of election in the 2nd Ward of the City of Al)
buquerque in the municipal election held April)
5th, 1910 Appellants)

No. 1340 Territory of N. M. ex Rel. Felix H. Lester,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
A.E.Stevens, Geo.H.Ramsey, and E.H.Dunbar, Judges)
and Harry Kelley and Percy J.Hawley, Clerks of)
Election in the 3rd Ward of the City of Albu)
querque, in the municipal election held April)
5th, 1910 Appellants,)

These causes coming on before the court upon the motion of appellee herein for leave to file supplemental Briefs herein, and the court having had said motion under advisement and being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the appellee herein be and he hereby is allowed to file a supplemental brief within five days from this date.

No. 1250 Eagle Mining & Improvement Company,)
Plaintiff in error,)
vs) Error to District Court Chaves County.
R. E. Lund,)
Defendant in Error,)

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is argued by Geo W. Prichard, esq. for Plaintiff in error and there being no appearance for defendant in error the cause is submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1350 S. T. Gray, et al.,)
Appellants,)
vs) Appeal from District Court Lincoln County.
Robert H. Taylor, et al.,)
Appellees,)

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is set for hearing for the 26th day of August A. D., 1910

No. 1270 Otto Mann)
Appellant,)
vs) Appeal from District Court Bernalillo County.
John A. Gordon,)
Appellee,)

It is ordered by the court that this cause, be and the same hereby is set for hearing for Tuesday August 16th 1910

No. 1320 Territory of New Mexico
 vs Appellee,
 John Donahue alias Jack Donahue
 Appellant,)
 Appeal from District Court Bernalillo County.

It is ordered by the court that this cause be and the same hereby is set for hearing for Tuesday August 16th, 1910

No. 1324 Michael O'Neill
 vs Appellant,
 Byed J. Otero, Special Master,
 Appellants,)
 Appeal from District Court Santa fe, County.

Upon agreement of counsel, it is ordered by the Court that this cause be and the same hereby is set for hearing for Monday August 29th, 1910

No. 1337 P. H. Goesling, et al.,
 vs Appellees,
 Gross Kelley & Co.,
 Appellant,)
 Appeal from District Court Bernalillo County

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, the same is argued by E. W. Dobson, Esq. for Appellant, and Neil B. Field, Esq. for Appellee, and submitted to the court, and the court being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Jones
 Chief Justice etc.

Twenty-third Day, Tuesday, August 26th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1246	Aron Gray,	Appellee,	)	
	vs	)	)	
	New Mexico Public Stone Co., et al.,	Appellants,	)	Appeal from District Court Valencia County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justices McFie, Wright and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Valencia where this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee Aron Gray do have and recover of and from the New Mexico Public Stone Company and Frank McKee as principals and Meliton Chavez and A. A. Kaseman, as sureties on the appeal bond the sum of Four hundred and ninety eight.80 with interest from March 16, 1906 at the rate of 6% per annum until paid, together with Two Dollars (\$2.00) for recording the lien claim, with plaintiff's costs in his behalf expended, including Attorney's fee of \$75.00 for services of plaintiff's attorney in this cause to be taxed, together with the costs of this court to be taxed for which let execution issue.

IT IS FURTHER ORDERED, and Adjudged by the court, that to secure the payment of the said indebtedness the said plaintiff have a lien prior and superior to all others upon the following tract and parcel of land, situate, lying and being in the County of Valencia and Territory of New Mexico, fully described as follows; to-wit: Section 10, Township 11 N.R., R. 11 West.

IT IS FURTHER CONSIDERED AND ADJUDGED BY THE COURT that the said lien of the plaintiff be and the same is hereby foreclosed and that unless the said defendants shall pay, or cause to be paid, the amount of this decree, together with all interest, which shall have accrued thereon, and the costs of this suit, including the attorney's fee of \$75.00 on or before ninety days from the filing of this decree herein, the property above described and all of the right, title and interest of the said defendants therein be sold at the front door of the Court House in the County of Valencia aforesaid, for the satisfaction of said indebtedness, and the costs of this suit, including attorney's fee and the fee of the Special Master appointed by this Court to make the sale of the property and the costs of said sale, and out of the proceeds of said sale there shall first be paid the costs of this suit, including the attorney's fee and the fee of the said special Master, and the costs of said sale and out of the balance shall first be paid the said indebtedness of the plaintiff and the interest thereon, and the balance, if any, shall be paid to the said defendants, and the said plaintiff may have an execution against the said The New Mexico Public Stone Company, Frank McKee as principals and Meliton Chavez and A. A. Kaseman

man as sureties on the appeal bond and the deficiency is any exists after applying the proceeds of the sale.

It is further considered and adjudged by the court that Henry Connely be and he hereby is appointed Special Master by the Court to execute this decree and the said Especial Master is hereby ordered and decreed to advertise the time, place and manner of said sale of said property, together with the description thereof, according to law, and after duly advertising the same, that he offer the said property for sale in accordance with the direction of this decree, to the highest and best bidder, for cash, and that he make, execute and deliver to the purchaser, or purchasers, a good and sufficient deed of conveyance, for the same, and report his proceedings unto this court for confirmation immediately after the said sale, and this cause is retained for the purpose of confirming said sale and such other proceedings as may be necessary.

It is further considered and adjudged by the court that Henry Connely, Special Master, be, and he hereby is allowed the sum of Ten (\$10) Dollars for his services as Special Master in making the sale of said property, to be paid by plaintiff and taxed as part of the costs in this case.

No. 1263 John King, vs Levi Tabor, Appellant, Appellee, Appeal from District Court Union County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices McFie, Parker, Abbott and Mechem, concurring, affirming the judgment of the court below, upon the filing of a remittitur of \$144.26 within 20 days, otherwise reversing and remanding the cause, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that if the appell herein shall within twenty days from this date a remittitur in the sum of One Hundred and forty-four 26/100 Dollars, then the judgment of the court below shall stand reversed and the costs of this appeal shall be equally divided between the parties hereto, otherwise the same shall stand reversed and remanded to the court below for further proceedings.

No. 1289 L.E. McRae, and T. G. Gregory, vs Dominick Cassan, Appellants, Appellee, Appeal from District Court Colfax County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in

and for the County of Colfax whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Dominick Cassan do have and recover of and from L. E. McRae, and Tennyson G. Gregory as principals and of John E. King, and John Hixenbaugh, as sureties on the appeal bond, the sum of six hundred and sixteen 25/100 Dollars (\$616.25) with interest thereon at the rate of six per annum from the 26th day of March, A. D., 1909 until paid, together with the costs in this behalf expended to be taxed for which let execution issue.

No.	Ermet Wirt, Eugenio Gomez and Felix Garcia,	)	
1301	a copartnership doing business under the	)	
	firm name and style of Wirt Gomez & Co.,	)	
	Appellants,	)	
	vs	)	Appeal from District Court Rio Arriba County.
	George W. Kutz, & Company,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices Parker, Abbott and Mechem, concurring affirming the judgment of the court below upon the filing by appellee within 15 days from this date of a remittitur in the sum of Fifty two dollars, other wise reversing and remanding the cause for further proceedings, for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the court below, stand affirmed upon the filing by appellee of a remittitur in the sum of Fifty two dollars, otherwise the judgment of the court to stand reversed and the cause remanded for further proceedings.

No.	Chicago Rock Island and El Paso Ry Co.,	)	
1308	Appellant,	)	
	vs	)	Appeal from District Court Quay County.
	Jacob Wertheim	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announce its decision by Chief Justice Pope, Associate Justices Parker, McFie, Abbott and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Quay, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Jacob Wertheim, do have and recover of and from the Chicago Rock Island and El Paso Railway Company, as principal and the Title Guaranty and Surety Company, as sureties on the appeal bond herein, the sum of One Hundred Dollars, with interest thereon at the rate of six per cent per annum from first day of June, 1909, until paid, together with his costs in this behalf expended, to be taxed, for which let execution issue.

No. 1281 Territory of New Mexico,
 vs Appellant,
Eastern Railway of New Mexico
 Appellee,

)
)
) Appeal from District Court Roosevelt County
)
)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F.W. Clancy, Esq. Attorney General, for appellant, and W. C. Reed, for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1282 J. M. Cowles,
 vs Appellant,
 J. J. Hagerman,
 Appellee,

)
)
)
)
)

Appeal from District Court Chaves County.

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is set for hearing for Monday August 22nd, 1910

The River-side Sand & Cement Manufactur-)
ing Company a corporation,)
Appellee & Cross Appellant)
No.1309-10 vs) Appeal from District Court Chaves County.
E. F. Hendrick, et al.,)
Appellants & Cross-Appellees,)

These cause coming on for hearing upon the transcripts of record, assignments of error and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

Bert Ingersoll,
Appellant,
No. 1314 vs
City of Roswell,
Appellee,

)
)
) Appeal from District Court Chaves County.
)
)

This cause coming on for hearing upon the transcript of record, assignment of errors
a and briefs of counsel, is by agreement of counsel, submitted to the court on briefs, and the
court not being sufficiently advised in the premises, takes the same under advisement.

Otto Mann,
No. 1270 vs John A. Gordon,
Appellant,
Appellee,

)
)
) Appeal from District Court Bernalillo County.
)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq. for appellant, and E. L. Medler, Esq. for Appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. Territory of New Mexico)
1320) Appellee,)
vs) Appeal from District Court Bernalillo County.
John Donahue alias Jack Donahue)
Appellant,)

This cause, having coming for argument upon the transcript of record, assignment of errors and briefs of counsel, is argued by T. N. Wilkerson, Esq. and E. L. Medler, Esq., for appellant and F. W. Clancy, Esq. Attorney General, for Appellee, and submitted to the court and the Court being sufficiently advised in the premises, takes the same under advisement.

No. In Re)
1349) Gregory Page) Mandamus Contempt.

This cause coming on upon the motion for attorney for relator for leave from the court to be allowed to withdraw the original affidavit filed in the above entitled cause, and the court being sufficiently advised grants the same on condition that a copy of the same be supplied. It is therefore considered that T. N. Wilkerson, Esq. be and he hereby is allowed to withdraw from the files of this court, upon the filing therein a copy thereof.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Dole,
Chief Justice etc.

Twenty-fourth

Day,

Wednesday August, 17th,

A. D.

1910

Twenty-fourth day, Wednesday August 17th, A.D., 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Dole,

Chief Justice, etc.

Twenty-fifth

Day,

Thursday, August 18th

A. D.

1910

Twenty-fourth Day, Thursday, August 18th, A. D., 1910

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

It is ordered that the court do now adjourn until Monday morning August 22nd at ten o'clock
A. M.

William H. Dole,

Chief Justice etc.

Twenty-sixth Day, Monday August 22nd, A. D., 1910

Court met pursuant to adjournment.

Present as upon Friday,

Record of Friday's proceedings is read and approved.

No. 1292	J. H. Rapp,	Appellant,	)	
	vs		)	Appeal from District Court, Grant County.
	E. B. Venable, Probate Clerk, etc.,	Appellee,	)	
			)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice John R. McFie, Chief Justice William H. Pope, and Associate Justices Mechem, Abbott and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Grant, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the Alternative writ of Mandamus heretofore issued by the District Court, be and the same is hereby discharged and this cause be, and it is hereby dismissed, and appellee do have and recover of and from the appellant his costs in this behalf expended for which let execution issue.

No. 1295	Territory of New Mexico,	Appellee,	)	
	vs		)	Appeal from District Court Dona Ana County.
	Juan Barela,	Appellant,	)	
			)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope, and Associate Justices McFie, Mechem and Wright, Concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Dona Ana, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Appellant Juan Barela, be remanded to the custody of the Sheriff of Dona Ana County, to be by him safely kept until such time as he can conveniently convey him the said Juan Barela, to Santa Fe, New Mexico, there to deliver him to the Superintendent of the Territorial Penitentiary, and that he be therein confined at hard labor for the period of ninety-nine years from and after this date. It is further ordered and adjudged by the court that the said Appellant, Juan Barela, do pay all the costs of this prosecution, and stand committed until such costs are fully paid, and that execution issue therefore.

No. 1314 City of Roswell, vs Bert Ingersoll, Appellee, Appellant, Appeal from District Court, Chaves County.

This cause having been argued by counsel, and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Associate Justices Parker, McFie, Abbott and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Chavesm whence this cause came into this court, be and the same hereby is affirmed, and that in accordance thereof, It is considered and adjudged by the court that the demurrer be and the same is hereby sustained to the complaint and that this suit be and the same hereby is dismissed with costs for which let execution issue.

No. 1329 The Costilla Land & Investment Company, vs Robert Allen, et al., Appellee, Appellants, Appeal from District Court Taos County.

This cause having been argued by counsel, submitted to and taken under advisement by the court, upon a motion to dismiss the appeal herein, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices Abbott, Parker, Mechem and Wright, concurring, granting the said motion to dismiss; For reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the motion to dismiss the appeal herein be and the same hereby is allowed, and that in accordance therewith, the appeal herein be and it hereby is dismissed with costs.

No. 1305 Territory of New Mexico, vs Wace Swift, Appellee, Appellant, Appeal from District Court Chaves County.

Now comes the appellant herein by its attorney L. O. Fullen, Esq. and says here to the court that he will no longer prosecute his said appeal, but dismisses the same, at his own costs and the court being sufficiently advised in the premises, It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is dismissed at appellant's costs for which let execution issue.

No. 1316 C. E. Thomas, vs C. E. Gavin, Appellant, Appellee, Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by R. D. Bower, Esq. for appellant, and W.C. Reid, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

Twenty-seventh day, Tuesday August 23rd, 1910

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Carrie M. Childers, Executrix, etc.	)	
1331	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Frank A. Hubbell,	)	
	Appellee,	)	

This cause coming on before the court on the remittitur filed by appellee herein and the motion of appellant to retax costs, and the court being sufficiently advised in the premises orders that the judgment of the court below, be affirmed in the sum of Two Hundred and ten with interest thereon together with costs in the court below, and that the costs in this Court be equally divided among the parties, and the Appellee having filed in this court a remittitur in accordance with the opinion of the court in the sum of Five Hundred Dollars. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered by the court that the said Frank A. Hubbell, do have and recover of and from the appellant Carrie M. Childers, Executrix of the last will and testament of William B. Childers, deceased the sum of two hundred and ten (\$210) Dollars, with interest thereon from the 8th day of January A. D., 1910, until paid together with ninety-eight and 5-100 Dollars (\$98.05) his costs herein taxed and that the costs of this appeal to be taxed be equally divided between the parties to this appeal, for which let execution issue.

No.	Territory of New Mexico	)	
1298,	Appellee,	)	
	vs	)	Appeal from District Court, Bernalillo County.
	Thomas A. Harwood,	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellee herein for a rehearing, and the court having had said motion under advisement and being sufficiently advised in the premises, overrules the same. It is therefore considered and adjudged by the court that the motion of appellee herein for a rehearing be and the same hereby is denied and overruled.

No.	Emilia M. Perea,	)	
1236	Appellee,	)	
	vs	)	Appeal from District Court Sandoval County.
	The State Life Insurance Company of Indiana-	)	
	polis Ind.	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellant herein for a rehearing herein, and the court having had said motion under advisement, and being sufficiently advised in the premises overrules the same, It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing, be and the same hereby is denied and overruled.

No. 1302,	Territory of New Mexico		) Appeal from District Court Rio Arriba County.
		Appellee,	
	vs		
	Reynel Garcia,	Appellant,	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justices Parker, Mechem and Wright concurring, reversing the judgment of the court below and remanding the cause for a new trial, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Rio Arriba whence this Cause came into this court, be and the same hereby is reversed and the cause remanded with instruction to grant a new trial.

No. 1332	George A. Davidson, Plaintiff Etta Owens	)	) Appeal from District Court Chaves County.
	et al, Defendants, Appellants	)	
	vs	)	
	Citizens National Bank of Roswell, N.M.	)	
		Appellee,	)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Ed S. Gibbany and W. A. Dunn, for appellants and W. C. Reid Esq. for Appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1315	Territory of New Mexico	)	) Appeal from District Court Bernalillo County.
		Appellee,	
	vs		
	Robert H. Pierce,	Appellant,	

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, is by agreement of counsel, submitted to the court on briefs and taken not being sufficiently advised in the premises, takes the same under advisement.

No. 1262	Harry Slocum Friday, by his next Friend	)	) Appeal from District Court First District
	John H. Friday, Appellee,	)	
	vs	)	
	The Santa Fe Central Railway Company	)	
		Appellant,	)

This cause coming on for rehearing before the court upon the question of the jurisdiction of the court below, and the same is argued by E. W. Dobson, Esq. for appellant, and Geo W. Frichard, Esq. for Appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1351	Hagerman Irrigation Company,	)	) Appeal from District Court Chaves County.
	Appellee and Cross Appellant,	)	
	vs	)	
	J F. McMurry,	)	
		Appellant & Cross Appellee,	)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Ed S. Gibbany, Esq for Appellant and Cross Appellee and

and W. C. Reed, Esq. for Appellee and Cross Appellant, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1345 The A. T. & S. F. Railway Co.)
Appellant,)
vs) Appeal from District Court Bernalillo County.
Citizens Traction and Power Company)
Appellee,)

It is ordered by the court, upon agreement of counsel, that this cause be and the same hereby is set for hearing for Monday August 29th, A. D., 1910

No. 1346 Citizens Traction & Power Co.,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Atchison Topeka & Santa Fe Railway Company)
Appellant,)

It is ordered by the court, upon agreement of counsel, that this cause be and the same hereby is set for hearing for Monday August 29th, A.D., 1910

It is ordered by the court that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,

Chief Justice etc.

Twenty-eighth Day, Wednesday, August 24th, A. D., 1910

Court not present to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock, A. M.,

William H. ...

Chief Justice etc.

Twenty-ninth Day, Thursday, August 25th, A. D., 1910

Court met pursuant to adjournment.

Present as upon yesterday..

Record of yesterday's proceedings is read and approved.

No. 1276	Sofia Garcia, de Vigil, Administratrix of	)	
	the estate of Eslavio Vigil, deceased,	)	
	Appellant,	)	
	vs.	)	Appeal from District Court, Bernalillo County.
	Andrew B. Stroup,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justice McFie, Parker and Wright, concurring, reversing the judgment of the court below and remanding this cause for further proceedings. for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed, and the said cause hereby is remanded to the said District Court for further proceedings in accordance with the opinion. It is further adjudged and decreed by the court that the appellant do have and recover her costs in this behalf expended, from the appellee, to be taxed, for which let execution issue.

No. 1304	Territory of New Mexico,	)	
	Appellee,	)	
	vs	)	Appeal from District Court Grant County.
	James H. Kennedy,	)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope, and Associate Justices McFie, Mechem and Wright, concurring, reversing the judgment of the court below, and remanding this cause for a new trial. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Grant whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said district court with instructions to grant a new trial.

No. 317	Amarillo Hardware Company	)	
	Appellee,	)	
	vs	)	Appeal from District Court Chaves County.
	J. F. McMurtry,	)	
	Appellant	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Associate Justices McFie, Abbott, Wright and Mechem, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the

Court that the judgment of the District Court in and for the County of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Appellee, The Amarillo Hardware Company, do have and recover of and from the Appellant J. R. McMurry, as principal and of and from K. S. Woodruff and W. W. DeFreest as sureties on the appeal bond herein, the sum of Eight hundred and twenty six 70/100 (\$826.70) Dollars with interest thereon at the rate of six per cent per annum from the 1st day of July, A. D., 1907, until paid, and its costs in this behalf expended to be taxed, for which let execution issue.

No. 1285 William G. Robertson, et al.,
Appellants
vs
The Mine & Smelter Supply Co.,
Appellee,
Appeal from District Court Lincoln County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by J. Y. Hewitt, Esq. and A. H. Hudspeth, Esq. for appellants, and Byron Sherry, Esq. for Appellee, and submitted to the court, and the court being sufficiently advised in the premises, takes the same under advisement.

No. 1294 Robert Hagin,
Appellee,
vs
Jeff Collins, Appellee,
Appeal from District Court Quay County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, and motion to dismiss and for ten percent damages, is by the order of the court submitted on briefs and motions, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. DeFeo,
Chief Justice, etc.

Thirtieth Day, Friday, August 26th, A. D., 1910

Court met Pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Wirt Gomes & Company, etc		
1301	George W. Kutz & Co.	Appellants,	) Appeal from District Court, Rio Arriba County..
	vs		
		Appellee,	

This cause coming on for hearing upon the motion of appellant herein to retax costs, is argued by A. B. Renahan, Esq. for appellants and E. C. Wilson, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.	Territory of New Mexico		
1306	Antimo Pettine,	Appellee,	) Appeal from District Court, Bernalillo County
	vs		
		Appellant,	

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is by agreement of counsel submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the appellant do have until the first day of October within which time to file his briefs herein and that appellee do have thirty days thereafter to file briefs and that appellant do have thirty days thereafter to file reply briefs if he should deem it necessary

No.	S. T. Gray, et al.,		
1350	Robert H. Taylor, et al.,	Appellants,	) Appeal from District Court Lincoln County.
	vs		
		Appellees,	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by T. B. Catron, Esq for Appellants and John Y. Hewitt, Esq and A. H. Hudspeth, Esq. for appellees and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until Monday morning at ten o'clock A. M.,

William H. Pope,

Chief Justice etc.

Thirty First Day, Monday, August 29th, A. D., 1910

Court met pursuant to adjournment.

Present as upon Friday,

Record of Friday's proceedings is read and approved.

No. 1246

Aron Gray,	)	
	)	
vs	)	Appellee,
	)	
New Mexico Punic Stone Company, et al.,	)	Appeal from District Court Valencia County.
Appellants,	)	

This cause coming on before the court upon a motion of appellant herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises, denied the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied and overruled.

In Re
George H. Peet
Admission to the Bar:

Now comes C. C. Catron a member of the Board of Bar Examiners, and makes a report here to the court accompanied by the affidavit of George H. Peet, stating his reasons for not having been present to take the examination at the last meeting of the Board, and recommends to the court that in view of the circumstances therein expressed and stated under oath that the temporary license of the said Geo. H. Peet be extended until the January 1911 term of this court and the court being sufficiently advised in the premises, It is ordered by the court that the Temporary license of the said George H. Peet, be and the same hereby is extended until the 4th day of January A. D., 1911.

No. 1256.

The Sacramento Valley Irrigation Company)	)	
Plaintiff in Error,	)	
vs	)	
Oliver M. Lee, et al.,	)	Appeal from District Court Otero County.
Defendants in Error,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope, and Associate Justices Parker, Abbott and Mechem, concurring, reversing the judgment of the court below and remanding the same to the said District Court for further proceedings, for reasons stated in the opinion of the Court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Otero, whence this cause came into this court, be and the same hereby is ~~reversed~~ ^{reversed}, and this cause hereby is remanded to the said district Court with instructions to the said District Court to grant leave to plaintiff below to amend his complaint upon terms, within twenty days from the filing of the mandate from this court in the district Court, otherwise to dismiss the same without prejudice.

No. 1269 Territory of New Mexico,)
 Carlos Cecil Ayer: vs Appellee,)
 Appellant) Appeal from District Court Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, Announces its decision by Associate Justice Mechem, Associate Justices McFie, and Parker, concurring, Chief Justice Pope and Associate Justice Wright, dissenting, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the Judgment of the District Court in and for the county of Bernalillo whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the said Carlos Cecil Ayer be and he hereby is remanded to the custody of the Sheriff of Bernalillo County, to be by him safely kept until such time as he can conveniently convey him to the Territorial Penitentiary situated at Santa Fe, in the Territory of New Mexico, that he be there delivered to the Superintendent of the New Mexico Penitentiary to be by him confined therein for the full period of three years at hard labor and that the said Carlos Cecil Ayer pay the costs of this prosecution to be taxed.

No. 1281 Territory of New Mexico,)
 vs Appellant,)
 Eastern Railway of New Mexico,) Appeal from District Court Chaves County.
 Appellant,)

This cause having been argued by counsel, submitted to and taken under advisement by the Court upon a former day of the Present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Associate Justices McFie Parker, Mechem and Wright, concurring, affirming the judgment of the district Court, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the Court that the judgment of the District Court in and for the county of Chaves whence this cause came into this Court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the said plaintiff and appellant, take nothing on this complaint, and that the same be and is hereby dismissed at the appellant costs.

No. 1282 James Cowles,)
 vs Appellant,)
 James J. Hagermann) Appeal from District Court Chaves County
 Appellee,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Associate Justices Parker, Mechem, Abbott and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court below, It is therefore considered and adjudged by the court that the judgment of the District Court, in and for the county of Chaves, whence this cause

came into this court be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the said appellant take nothing from this complaint herein and that the said complaint be and the same hereby is dismissed, and that the defendants do have and recover of and from the appellee their costs in this behalf expended in excess of the sum of two hundred dollars for which let execution issue.

It is therefore considered and adjudged by the court that James M. Cowles, James B. McConnell and N.S. West, their heirs executors and administrators do pay to the administrators of the estate of the said James J. Hagerman, the sum of twelve Hundred Dollars, with interest thereon at the rate of six per cent per annum from the first day of August A.D., 1908, until paid and that execution issue therefore.

No. 1285	William G. Robertson, et al.,	)	
		Appellants,	)
	vs	)	A real from District Court Lincoln County.
	The Mine & Smelter Supply Company,	)	
		Appellee,	)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justices Abbott, McFie, Wright and Mechem, concurring reversing the judgment of the court below, and remanding this cause for further proceedings. It is therefore considered and adjudged by the court that the Judgment of the District Court in and for the County of Lincoln be and the same hereby is reversed and this cause hereby is remanded to the District court with instructions to reinstate the complaint and award a permanent injunction against the sale and that the appellant do have and recover from and of the appellees his costs in this behalf expended to be taxed for which let execution issue.

No. 1290	Territory of New Mexico,	)	
		Appellee,	)
	vs	)	Appeal from District Court Bernalillo County.
	Dick Eagle,	)	
		Appellant,	)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Parker McFie and Mechem, concurring, reversing the judgment of the District Court for reasons stated in the opinion of the Court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said District Court with instructions to grant a new trial.

Robert Hagin,	)	
No. 1294	Appellee,	)
Jeff Collins,	vs	) Appeal from District Court Quay County.
	Appellant,	)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justice Parker, McFie, Abbott, Mechem and Wright, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court and also denying the motion to dismiss and for ten per cent damages. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Quay, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the appellee, Robert Hagin do have and recover of and from Jeff Collins as principal, and H. M. Smith and W. M. Pattey and A. A. Blankenship, as sureties on the appeal bond the sum of Four hundred and Fifty (\$450.00) Dollars with interest thereon at the rate of six per cent per annum from the 24th day of April, A. D., 1909 until paid, together with his costs in this behalf expended to be taxed for which let execution issue.

Territory of New Mexico, ex rel City of Al-	)	
Buquerque, and Simon Stern Treas of said	)	
City of Albuquerque,	Appellee,	)
No. 1318	vs	) Appeal from District Court Bernalillo County.
E. Penney as Treasurer and ex-officio Collect	)	
tor of Bernalillo County, New Mexico	)	
	Appellant,	)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker Chief Justice Pope and Associate Justices McFie, Wright concurring, affirming the judgment of the District Court, Judge M. C. Mechem, dissenting, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that the relators are entitled to the relief sought and that it is the duty of E. Penney, as Treasurer and ex-officio Collector of the County of Bernalillo, to pay over to Simon Stern, as Treasurer of the City of Albuquerque the sum of Nine Thousand Four Hundred and Seventeen Dollars and sixty six cents the money collected by him, and derived from certain taxes levied by the city of Albuquerque for the years 1901, 1902, 1903, 1904, 1905 and 1906 and now in his hands unaccounted for to the said city of Albuquerque and that a peremptory writ of mandamus issue and it is further adjudged, ordered and considered that the said appellants pay the costs of this suit to be taxed, and that execution issue therefore.

No. 1323

Las Vegas Railway and Power Company,
a corporation and William A. Buddecke,
Appellants,
vs
The Trust Company of St Louis A corpora
tion Appellee,

Appeal from District Court, San Miguel County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward A. Wright, Chief Justice Pope and Associate Justices Parker, Abbott and Mechem, concurring, reversing the judgment of the court below in one case and affirming on another, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that if within thirty days from the date hereof, the appellants or some one in their behalf, shall deposit with the District Court of San Miguel County, the sum of One Hundred Thousand (\$100,000.00) Dollars the amount of their guaranteed bid, such sum to be taken and considered as a bona fide bid for the properties and franchise of the appellant company upon a resale thereof, then and in that event the decree confirming the sale herein shall stand reversed and the sale set aside and a newsale be made in accordance with the original decree, and mandate without further action of this court to issue accordingly. Upon failure, however of the appellants to so deposit the sum of \$100,000.00 the judgment of the court below, in and for the county of San Miguel whence this cause came into this court will stand affirmed, with costs and mandate without further action of the court to issue accordingly. and it is so ordered.

No. 1324

Michael O'Neill
Appellant,
vs
Fred J. O'tero, Special Master,
Appellee,

Appeal from District Court Bernillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Francis C. Wilson, Esq. for appellant and E. W. Dobson, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1263

John King,
Appellant,
vs
Levi Tabor,
Appellee,

Appeal from District Court Union County.

This cause coming on for hearing upon the motion of appellants to retax court is argued by C. C. Catron for Appellants and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

Frederic H. Pope,

Chief Justice etc.

Day,

A. D.

pp.

Thirty-Second Day, Tuesday, August 30th, 1910

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1270

Otto Mann,

vs

John A. Gordon,

Appellee,

Appellant,

)
)
) Appeal from District Court Bernalillo County.
)
)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justice McFie concurring, Associate Justice Wright and Parker dissenting affirming the judgment of the court below, for reasons stated in the opinion of the court, on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Appellee, Otto Mann, do have and recover of and from the appellant John A. Gordon, as principal and of and from Harry Coddington and Gregory Page as sureties on the appeal bond, the sum of Five Hundred and forty-eight 50/100 (\$548.50) Dollars, with interest thereon at the rate of six per cent per annum from the 22nd day of December, A. D. 1908 until paid together with costs to be taxed for which let execution issue.

No. 1316

C. Thomas,

vs

G. E. Gavin,

Appellant,

Appellee,

)
)
) Appeal from District Court Chaves County.
)
)

This cause having been argued by counsel, and submitted to and taken under advisement by the court, and the court being now sufficiently advised in the premises, Announces its decision by Associate Justice Abbott, Associate Justices MeFie, Parker, Mechem and Vaughn concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee C. E. Thomas, do have and recover of and of the appellant G. E. Gavin, as principal, and of and from J. D. Culley and J. N. Akin, as sureties on the appeal bond, the sum of One hundred and fifty (\$150.00) Dollars with interest thereon at the rate of six percent per annum from the 18th day of September A. D., 1909, together with costs of this suit to be taxed for which execution may issue.

No. 1328 In the matter of the application of M. C. Hinderliden for permit to appropriate water from La Plata River in San Juan County)
Appellee,)
vs) Appeal from District Court San Juan County.
Young & Norton, et al.,)
Appellants,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justices Parker, Mechem and Wright, concurring, setting aside the judgment of the court below, and remanding this cause to the said court for further proceedings for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Juan whence this cause came into this court, be and the same hereby is set aside, and this cause is remanded to the said district court for further proceedings, It is further ordered and adjudged by the court that the appellants do have and recover of and from the appellee their costs in this behalf expended to be taxed for which let execution issue.

No. 1332 George A. Davidson, Plaintiff, Etta Owens et al, defendants,)
Appellants,)
vs) Appeal from District Court, Chaves County.
Citizens National Bank of Roswell, defendant)
Appellee,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Associate Justices Merie Parker Abbott and Wright, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to reinstate the cause and proceed in accordance with the views expressed in this opinion.

No. 1301 Wirt, Gomez and Company etc.)
Appellant,)
vs) Appeal from District Court, Rio Arriba County.
George W. Kutz,)
Appellee,)

This cause coming on before the court upon a motion of appellant for a rehearing herein, and the court having had said motion under advisement and being now sufficiently advised in the premises, denies and overrules the same It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein, be and the same hereby is denied and overruled.

A N O R D E R

MAKING ASSIGNMENT OF JUDGES TO THE SEVERAL DISTRICTS OF THE TERRITORY OF NEW MEXICO.

W E, The undersigned, Chief Justice and Associate Justices of the Supreme Court of the Territory of New Mexico, assembled at the Supreme Court room, in the Territorial Capitol, in the City of Santa Fe, in the said Territory of New Mexico.

D o H e r e b y O r d e r, That the Chief Justice and Associate Justices are hereby assigned to the Judicial Districts as Judges thereof, as follows:

To the First Judicial District, Mr. Associate Justice John R. McFie, with head-quarters at Santa Fe.

To the Second Judicial District, Mr. Associate Justice Ira A. Abbott, with headquarters at Albuquerque.

To the Third Judicial District, Mr. Associate Justice Frank W. Parker, with headquarters at Las Cruces.

To the Fifth Judicial District, Mr. Chief Justice William H. Pope, with headquarters at Roswell.

To the Sixth Judicial District, Mr. Associate Justice Edward R. Wright, with headquarters at Alamogordo,

To the Seventh Judicial District, Mr. Associate Justice Merritt C. Mechem, with headquarters at Socorro.

To the Fourth Judicial District, the remaining Associate Justice provided for by law, with headquarters at Las Vegas.

I t I s O r d e r e d B y the Court, That this assignment shall be in force and take effect from and after the date hereof and shall remain in full force and effect until otherwise provided by the Chief Justice and Associate Justices of this Court.

I T I S F U R T H E R O R D E R E D, that the Clerk of the Supreme Court of the Territory of New Mexico enter the foregoing order on the records of this Court and that he transmit a certified copy thereof, attaching the seal of this Court thereto, to the Attorney General of the United States to each of the Clerks of the various Judicial Districts of the Territory of New Mexico, to the United States District Attorney for New Mexico and to the United States Marshal for New Mexico.

W I T N E S S our hands this the 30th day of August, A. D., 1910

(Signed)

William H. Pope, Chief Justice
John R. McFie, Associate Justice
Frank W. Parker, Associate Justice
Ira A. Abbott, Associate Justice
Merritt C. Mechem, Associate Justice
Edward R. Wright, Associate Justice

No. The Atchison Topeka and Santa Fe Ry Co.,)
1345 vs Appellant,)
Citizens Traction and Power Company,) Appeal from District Court Bernalillo County,
Appellee,)

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. The Citizen's Traction and Power Company,)
1346 Appellee,)
 vs) Appeal from District Court Bernalillo County.
Atchison Topeka and Santa Fe Ry Company)
 Appellant,)

It is ordered that this cause be and the same hereby is continued for the term.

It is ordered that the court do now adjourn until tomorrow afternoon at two o'clock P. M.

William H. Dole,
Chief Justice, etc.

Thirty-third day, Wednesday August 31st, 1910.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1329	The Costilla Land & Investment Co.,	)	Appeal from District Court Taos County.
	Appellee,	)	
	vs	)	
	Robert Allen et al.,	)	
	Appellants,	)	

This cause coming on before the court upon a motion for rehearing herein, and the court having had said motion under advisement and being now sufficiently advised in the premises denies the said motion. It is therefore considered and adjudged by the court that the motion of appellants for a rehearing herein, be and the same hereby is overruled and denied.

No. 1321	Della J. Sisler,	)	Appeal from District Court Bernalillo County.
	Appellee,	)	
	vs	)	
	Western Union Telegraph Company	)	
	Appellant,	)	

Now comes the Western Union Telegraph Company, appellant in the above entitled cause, and says that it will not further prosecute its appeal herein but wishes the same. It is therefore considered by the court that the appeal in the above entitled cause, be and the same hereby is dismissed at appellant's cost.

No. 1245	Dalos A. Chapell	)	Appeal from District Court Socorro County.
	Appellant,	)	
	vs	)	
	Daniel I. McMillen et al.,	)	
	Appellees	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justices McFie and Wright concurring, Associate Justice Leachman, dissenting, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Socorro, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court for further proceedings in accordance with the opinion of the court filed.

No. 1250	Eagle Mining & Improvement Co.	)	Error to District Court Chaves County.
	Plaintiff in Error,	)	
	vs	)	
	Robert E. Lund,	)	
	Defendant in Error,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward R. Wright, Associate Justices McFie, Parker, Abbott and Leachman, concurring, dismissing the writ of error

herein, for reasons stated in the opinion of the Court below, It is therefore considered and adjudged by the court that the writ of error herein, be and the same hereby is dismissed with costs.

No.	Welt Gomez & Co.	)	
1301		)	
	vs	)	Appeal from District Court, Rio Arriba County.
	George W. Kutz, & Co.	)	
	Appellee,	)	

This cause coming on before the court upon a motion to remand, and the court Having had said motion under advisement, and being now sufficiently advised in the premises, denies said motion, It is therefore considered and adjudged by the court that the motion to remand in the above entitled cause be and the same hereby is denied.

It is ordered that the court do now adjourn until tomorrow afternoon at two o'clock P. M.

William H. Dole,
Chief Justice, etc.

Thirty fourth Day, Thursday, September, 1st, A. D., 1910

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1263 John King,
 vs Appellant,
 Levi Tabor,
 Appellee,

Appeal from District Court Union County.

This cause having been argued by counsel, submitted to the court and taken under advisement on a former day of the present term, on the motion of appellant to retax costs, and the court having had said motion under advisement and being sufficiently advised in the premises announces its decision by Associate Justice Wright, sustaining the motion of appellant to re-tax costs and tax the same against the appellee. It is therefore considered by the court that the motion of appellant herein to retax costs be and the same hereby is sustained and the costs herein are taxed against the appellee. It is therefore considered and adjudged by the court that the appellant herein do have and recover of and from the appellee his costs in this behalf expended to be taxed for which let execution issue.

No.1313 Macario Torrez
Appellant,
vs
The Board of County Commissioners, TO-
rrance County New Mexico,
Appellees,

)
)
)
)
)
)
)

Appeal from District Court Torrance County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justices Parker, Mechem and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the court below, in and for the county of Torrance, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is therefore considered and adjudged by the court, that the injunction heretofore issued in this cause is hereby dissolved, set aside and held for naught, and this cause dismissed at appellants cost. and it is so ordered.

No. 1324 Michael O'Neill,
vs Appellant,
F. J. Otero, Special Master, Appeal from District Court Santa Fe County.
Appellee,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premisses, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Parker Abbott and Mechem, concurring, affirming the judgment of the Court below, for reasons stated in the opinion of the court on file: It is therefore con-

sidered and adjudged by the court that the judgment of the district Court in and for the County of Santa Fe, whence this cause came into this Court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the plaintiff Michael O'Neill acquired no right, title or interest in said mining claim under and by virtue of said pretended relocation of said claims by said Joseph DeLallo, and the deed from said Joseph DeLallo to the plaintiff, and that said location and the deed from Joseph DeLallo to the plaintiff be and they are hereby declared null and void and ordered surrendered to the Court for the purpose of cancellation.

It is further ordered and adjudged by the court that the said plaintiff be decreed to hold the pretended title to said claims under the name and designation of the Square Deal, Gold Coin York and Zinc Blend, in fraud of the rights of the defendant herein thereto, and that plaintiff's alleged possession and title be decreed to be held by him as trustee ex-maleficio for the use and benefit of the Consolidated Mining and Smelting Company or the defendant in this case as Receiver thereof.

It is further considered and adjudged by the court that the plaintiff execute and give a sufficient deed of conveyance of the Square Deal, Gold Coin, York, and Zinc Blend mining claims to the Consolidated Mining & Smelting Company; and upon failure of said plaintiff to so execute said deed within one hundred and twenty days of the date of this decree, that Frank W. Shee-
District
ron Clerk of the District Court is hereby appointed Commissioner of the Court for the purpose of executing said deed of conveying all the right and title of the plaintiff in and to said locations and the deed to him to the said Consolidated Mining and Smelting Company. And said Commissioner is hereby empowered and directed to execute said deed and conveyance and return the same into Court to be approved as to form and sufficiency.

It is further, considered and adjudged by the court that the defendant R. J. Otero, Receiver of said property appointed in case No. _____ entitled Thomas K. D. Maddison, plaintiff vs Consolidated Mining and Smelting Company, and as Special Master also appointed in said cause be and he hereby is directed and required that out of any moneys received from the sale of said property of which he was appointed Receiver, or from any other funds belonging to said Consolidated Mining and Smelting Company, shall pay the sum of six hundred dollars (\$600.) to Michael O'Neill for and on account of the assessment work done or caused to be done by the said O'Neill upon said claims for said year 1907, which work the Court has found was done for the use and benefit of said claims and the Consolidated Mining and Smelting Company, the owner thereof the said sum of six hundred dollars (\$600.00) being decreed as a first lien against said property or the proceeds received from the sale thereof, and the defendant is ordered to pay the same before the distribution of any other funds towards the payment of any other debts of said Company.

It is further ordered and adjudged by the court that the temporary injunction heretofore granted be and the same hereby is dissolved and discontinued.

It is further ordered and adjudged by the court that the defendant herein recover his costs in this behalf expended, to be taxed, for which let execution issue.

No. 1337

P. H. Goesling et al.,

Appellees,

vs

Gross Kelley & Company, a corporation
Appellant,

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justices Morie, Parker and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this court came in to this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said plaintiffs P. H. Goesling and Adolph Goesling, partners doing business under the firm name and style of Goesling Brothers, in accordance with the verdict of the jury rendered in this cause do have and recover of and from the defendant Gross Kelley and Company, a corporation, as principals and W. H. Booth and W. S. Strickler, as sureties on the appeal bond herein, the sum of Three Thousand One Hundred Thirty Four and 04/100 Dollars (\$3,134.04) with interest thereon at the rate of six per cent per annum from the 18th day of October 1909, until paid, together with plaintiffs costs and disbursements incurred in this action to be taxed for which let execution issue.

No. 1339

Territory of New Mexico, ex rel Felis H.)
Lester, Appellee,)

vs

A. W. Suddith, A. L. Hutchinson and E. B. Cris)
ty, Judges and James Hill and Bernard Cra)
wford, Clerks in the 2nd Ward of the City)
of Albuquerque in the Municipal election)
held on April 5th, 1910, Appellants)

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Chief Justice Pope, Associate Justices Morie and Wright, concurring, Associate Justices Parker and Mechem concurring, in the reversal, reversing and remanding the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said District Court for further proceedings not inconsistent with the opinion of the court on file.

No. 1340

Territory of New Mexico, ex rel. F. H.)
Lester, Appellee,)

vs

N. E. Stevens, George H. Ramsey, and E. H. Dun-)
bar, Judges and Harry Kelly and Percy)
Hawley, Clerks of election in the 3rd)
ward of the City of Albuquerque in the Mu)
nicipal election held April 5th 1910)
Appellants)

Appeal from District Court Bernalillo County

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in

Thirty-Fourth

Day,

Thursday, September 1st,

A. D.

1910

the premisses announces its decision by Chief Justice Pope, Associate Justices McFie and Wright concurring, Associate Justices Parker and Mechem concurring in the reversal, Reversing the judgment of the court below and remanding the said cause for further proceedings. for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings not inconsistent with the opinion of the court on file.

No. 1	S. T. Gray, et al.,	Appellants,	}	Appeal from District Court Lincoln County.
1350	vs.			
	Robert H. Taylor, et als.,	Appellees,		

This cause having been argued by counsel, submitted to and taken under advisement by the the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Barker, Associate Justice Abbott concurring Chief Justice Pope and Associate Justice Wright concurring especially, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the injunction heretofore issued in this cause be, and the same hereby is dissolved, and that the plaintiff's complaint herein be dismissed at their costs.

No. 1	Gallup Electric Light Company	Appellants,	}	Appeal from District Court McKinley County.
1217	vs.			
	Pacific Improvement Company	Appellees,		

It is ordered by the court that the above entitled cause be and the same is hereby restored to the docket for re-argument on the first day of the next regular term upon the question of whether the contract sued on was contrary to public policy because an agreement to refrain from a public utility business.

No. 1	Writ Gomez & Company	Appellant,	}	Appeal from District Court Rio Arriba County.
1301	vs.			
	George W. Kutz	Appellee,		

This cause coming on before the court upon the motion of appellant to retax costs and the court being sufficiently advised in the premises, sustains the motion of appellant to divide the costs herein. It is therefore considered and adjudged by the court that the motion of appellant to re-tax costs be and the same hereby is sustained, and the costs herein be and the same are taxed against the appellant in the above entitled cause.

No. 1331

Carrie M. Childers, as Executrix etc
Appellant,
vs
Frank A. Hubbell,
Appellee,

Appeal from District Court, Bernalillo County.

This cause coming on before the court upon the motion of appellee to modify the judgment of this court and to be allowed to offset, and the court having had this matter under advisement in the cause of Tabor vs King, and being now sufficiently advised in the premises overrules and denies the same motion and orders the costs to be taxed against the appellee. It is therefore considered and adjudged by the court that the motion of appellee to modify and offset be and the same hereby is denied and overruled and It is further ordered and adjudged by the court that the appellee do have and recover of and from the appellant her costs in this behalf expended to be taxed, for which let execution issue.

No. 1263

John King,
Appellee,
vs
Levi Tabor,
Appellee,

Appeal from District Court Union County.

This cause coming on before the court upon the filing of the remittitur by the appellee in the above entitled cause in accordance with the previous order of the court heretofore herein entered, and the Court being now sufficiently advised in the Premises modifies the judgment of the court below and as so modifies the same hereby is affirmed. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Union be and the same hereby is modified and as so modified the said judgment is hereby affirmed, and that in accordance therewith, It is considered and adjudged by the court that Levi Tabor do have and recover of and from John King as principal and of and from Candido Archuleta and Francisco Lucero, as sureties on the appeal bond the sum of one hundred and forty-four 26/100 (\$144.26) Dollars, with interest thereon at the rate of six per cent per annum from the 26th day of September A. D., 1908, until paid and It is further ordered by the court that the appellant herein do have and recover of and from the appellee, his costs in this behalf expended to be taxed for which let execution issue.

No. 1301

Writ Gomez & Company
Appellants,
vs
Geo W. Kutz,
Appellee,

Appeal from District Court Rio Arriba County.

This cause coming on before the court upon the remittitur filed herein by the appellee and for a modification of the judgment, and the court having had the said remittitur under advisement and being now sufficiently advised in the premises, modifies the judgment of the court below and as so modified affirms the same. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Rio Arriba, whence this cause came into this court be and the same hereby is modified and as modified the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the defendant Geo W. Kutz, do have and recover of and from the

Thirty-fourth

Day,

Thursday, September, 1st

A. D.

1910

plaintiff Emmett Wirt, Eugenio Gomez and Feliz Garcia a copartnership doing business under the firm name and style of Wirt Gomez and Company, the sheep and lambs replevined by the said copartnership of Wirt Gomez and Company from the said defendant, George W. Kutz and Company, to the number of sixty-five sheep and sixty-five lambs, and in default of the return of the said sixty-five sheep and sixty five lambs, so replevined as aforesaid, the said George W. Kutz & Company shall have and recover of and from the said Emmett Wirt, Eugenio Gomez and Felix Garcia a copartnership doing business under the firm name and style of Wirt Gomez and Company as principal and Antonio Cordova and Jose P. Lucero, as sureties, the value of said sheep, and the value of said lambs, the former being in accordance with the verdict herein, hereby set at \$3.00 per head and the latter at \$2.00 per head, and it is further ordered and adjudged by the court that the said defendant George W. Kutz do have and recover of and from Emmet Wirt, Eugenio Gomez, and Felix Garcia, a copartnership doing business under the firm name and style of Wirt, Gomez and Company, as principals and Antonio Cordova and Jose P. Lucero as sureties on the appeal bond, the sum of Fifty two (\$52.00) Dollars the value of the wool by the plaintiff from the sheep replevined, during their detention, which in accordance with the verdict herein, represents the value of five hundred and twenty pounds (520), which is the return in the said verdict, for the amount of wool taken from the sheep replevined during their detention, It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed, for which let execution issue.

No. 1253 William D. Radcliff, Appellee vs Jose E. Chavez, Administrator, etc. Appellant, Appeal from District Court Valencia County.

This cause coming on before the court upon the motion of appellant for a rehearing herein, and the court having had said motion under advisement and being now sufficiently advised in the premises denies and overrules the same, It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein, be and the same hereby is overruled and denied.

No. 1248 The Bank of Commerce Appellee, vs Jaspar N. Broyles, et al., Appellants, Appeal from District Court Bernalillo County.

This cause coming on before the court, upon the motion of appellants for a rehearing herein and the court having had the said motion under advisement and not being sufficiently advised sets this motion for oral argument. It is therefore considered and adjudged by the court that this motion for rehearing herein, be and the same hereby is set for oral argument for the first day of the next January term, 1911

IT IS ORDERED BY THE COURT

That Rule VI of the printed rules of this court be amended by adding thereto the following

"Upon the filing of the precipe for a writ of error, on writ of error, or the transcript of record, on appeal, a written appearance of the counsel for the party docketing the case, shall be filed with the clerk of this Court, and upon notice to the defendant in error or appellee the counsel for said defendant in error or appellee, shall likewise, file a written appearance with the clerk of this Court before such party will be heard in this court."

IT IS FURTHER ORDERED BY THE COURT, That the following rule, to be known as Rule XXIX, be and the same hereby is adopted to wit:-

"Voluminous exhibits and exhibits which are important only as to the fact of their existence or as to small portions of their subject matter or as establishing a negative fact shall not be included in full in the record unless the trial Judge shall so order; but a statement of their existence or substance with so much of their contents as shall be necessary to properly present the point at issue shall be agreed by the parties or settled by the trial judge and included in the record in place of the exhibits so omitted."

These rules, shall be in force and take effect from and after the 1st day of September, A. D., 1910

William T. Pope,

Chief Justice.

IT IS ORDERED BY THE COURT,

That the following District Court rules, to be known as District Court Rules XX and XXI, be and the same hereby are adopted, viz:

R U L E X X .

When, upon any hearing before the court the judgment of the court shall not be rendered at the time of such hearing, but shall be taken under advisement, and the court shall thereafter, in vacation, notify the attorneys of the respective parties of his decision as provided in sub-section 136 of section 2685 of the Compiled Laws of 1897, no final judgment or decree shall be entered thereon until the attorney for the prevailing party shall have prepared the necessary judgment or decree and have served a copy of the same upon the attorney for the opposite party or parties, together with a notice that the same will be submitted to the court for his approval and signature upon a day certain, such day to be not less than five days after service of such judgment, order or decree as aforesaid, provided the Court may by special provision in the said notice fix a shorter time.

R U L E X X I .

Demurrers to complaints on the statutory ground that the complaint does not state facts

sufficient to constitute a cause of action, must specify the defects in the complaint upon which the alleged insufficiency is predicated, and any demurrer defective in this regard, shall be disregarded, and the court may strike it out on motion.

These rules, shall be in force and take effect from and after the first day of October A. D., 1910

William H. Pope,

Chief Justice etc.

It is ordered that the court do now adjourn until the 3rd day of January, A. D., 1911 at two o'clock P. M.

William H. Pope,

Chief Justice etc

IN VACATION

Day,

Saturday, September 24th

A. D.

1910

NOW comes the Honorable Clarence J. Roberts, and presents here, at the office of the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the Supreme Court of the said Territory of New Mexico, which said commission and oath of office was and is in words and figures, following to-wit:-

W I L L I A M H O W A R D T A F T ,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C S ,

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE, That, reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Clarence J. Roberts, of New Mexico, I do appoint him to be Associate Justice of the Supreme Court of the Territory of New Mexico and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the United States, and to have and to hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining unto him, the said Clarence J. Roberts, until the end of the next session of the Senate of the United States, and no longer, subject to the provisions of Law.

IN TESTIMONY WHEREOF, I have caused these letters to be made Patent and the seal of the Department of Justice to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the Fifteenth day of September in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundred and thirty-fifth.

W. H. T A F T

By the President

William R. Harr

Acting Attorney General

O A T H O F O F F I C E F O R U N I T E D S T A T E S J U D G E S .

(Sections 712 and 1757, Revised Statutes.)

I, CLARENCE J. ROBERTS, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

C L A R E N C E J . R O B E R T S .

IN VACATION

Day,

Saturday, September 24th

A. D.

1910

Subscribed and sworn to before me, this twenty-second day of September, 1910

(Signed)

Chas M. Bayne,

Justice of the Peace.

Territory of New Mexico,)
 County of Colfax) ss.

I, E. G. Twitty, Clerk of the Probate Court of Colfax County, which is a court of record, having a seal, and ex-officio Recorder and Clerk of said County, DO HEREBY CERTIFY, that Chas M. Bayne, who administered the annexed oath, and whose name is thereunto affixed, as the officer before whom said oath was taken, was, at the time of administering said oath, a justice of the peace in and for Precinct No. 6 in and for said county, duly elected and qualified, and duly authorized to administer said oath, AND FURTHER, That I am well acquainted with the hand writing of said Chas M. Bayne and verily believe that the signature to the said certificate of oath is genuine.

In Testimony Whereof, I have hereunto set my hand and affixed
 the seal of said court at Raton, this 22nd day of September, A. D., 1910

(SEAL)

E. G. TWITTY

Clerk of the Probate Court.

Day,

Friday, October 14th

A. D.

1910

No. 1323

Las Vegas Railway and Power Company, a
 corporation, and William A. Buddecke
 vs
 The Trust Company of St Louis County, a
 corporation)
 Appellee

Appeal from District Court San Miguel County.

O R D E R

Now on this 14th day of October, A. D., 1910, it appearing to the undersigned judges of the Supreme Court of the Territory of New Mexico, that the petitioner, the First National Bank of Las Vegas, New Mexico, has heretofore complied with the order of this court in the above entitled cause and has deposited the sum of one hundred thousand dollars (\$100,000.) with the clerk of the district court of San Miguel County, New Mexico, and it further appearing that the sale at that time contemplated has been delayed and will be indefinitely delayed in account of a petition for rehearing herein, as well as other motions in said cause filed, and it further appearing that it was not the intention of the court herein to cause the said sum by it required to be deposited to be indefinitely withdrawn from circulation, but required as evidence of good faith on the part of appellant herein and those cooperating with the appellant, it is therefore ordered that the said sum of money be returned to the said petitioner, the First National Bank of Las Vegas, to be by it retained until the further order of this court.

And it is further ordered that such direction and the return of said money shall in no way change, modify or affect the judgment heretofore rendered in this cause but that the same shall remain in all respects in full force and effect to the same extent and for the same purpose as though the order herein were not made., save and except that the said judgment is suspended until after the ruling of the court herein on the petition for rehearing heretofore filed in said cause.

And it is further ordered that in the event of the said petition for a rehearing is denied, that then the petitioner herein, or the appellant or any one acting on behalf of the appellant, shall have twenty (20) days from the final judgment of the court herein, within which to deposit the said sum of money with said clerk as an evidence of the good faith of the parties asking the re-sale of said property, and as a guaranteed bid therefor.

(Signed)

Frank W. Parker,
 Associate Justice.

John L. Morley,
 Associate Justice

Merritt C. Mechem
 Associate Justice

Clarence J. Roberts,
 Associate Justice

Day,

JANUARY 2nd

A. D.

1911

35

NOW comes the Honorable Clarence J. Roberts, and presents here to the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the Supreme Court of the said Territory of New Mexico, which said commission and oath of office was and is in the following words and figures following to-wit:

W I L L I A M H O W A R D T A F T ,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A ,

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of CLARENCE J. ROBERTS of New Mexico, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto Him, the said Clarence J. Roberts, for the term of four years, commencing with the date hereof, subject to the provisions of law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

(S E A L)

Given under my hand at the City of Washington the Nineteenth day of December, in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America, the one hundred and thirty-fifth

Wm. H. Taft

By the President:

G. W. Wickersham,

Attorney General

TO A T T

I, Clarence J. Roberts, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and Laws of the United States; and that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I will not take any foreign or domestic title; and that I will not accept any office or honor from any foreign or domestic power; and that I will not engage in any business or occupation, or any other activity, which may interfere with the proper discharge of my duties as Associate Justice of the Supreme Court of the Territory of New Mexico.

(Signed)

Clarence J. Roberts

IN VACATION

Day,

JANUARY 2nd

A. D.

1911

Subscribed and sworn to before me, this Twenty seventh day of December, A. D., 1910

(Signed)

Chas M. Bayne

Justice of the Peace,
Precinct No. 6 Colfax County

Territory of New Mexico)
Colfax County) ss

I, E. G. Twitty, Clerk of the probate Court of Colfax County, which is a court of record, having a seal, and ex-officio Recorder and Clerk of the said County, DO HEREBY CERTIFY, that Chas M. Bayne, whose name is subscribed to the annexed oath of office of Clarence J. Roberts, as Associate Justice of the Supreme Court of the Territory of New Mexico, was at the time of administering said oath a duly qualified and acting Justice of the peace in and for Precinct Number 6 Colfax County, New Mexico, and duly authorized to administer the same.

AND FURTHER, that I am well acquainted with the handwriting of said Chas M. Bayne and verily believe that the signature to the said certificate of oath is genuine.

In testimony whereof, I have hereunto set my hand and affixed the
(SEAL) seal of said court at Raton, this twentyseventh day of December, A. D., 1910

E. G. Twitty,
Clerk of the Probate Court,
by J.L. Boyle, Deputy.

Day,

JANUARY 3rd,

A. D.

1911

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Now comes the Honorable Edward R. Wright, and Files here in the office of the Clerk of the Supreme Court of the Territory of New Mexico, his commission and oath of office as Associate Justice of the Supreme Court of the Territory of New Mexico, which said Commission and oath of office was and is in the following words and figures to wit:

W I L L I A M H O W A R D T A F T ,

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A ,

TO ALL WHO SHALL SEE THESE PRESENTS G R E E T I N G

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of EDWARD R. WRIGHT, of New Mexico, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower Him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold, the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Edward R. Wright, for the term of four years commencing with the date hereof, subject to the provisions of Law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice, to be hereunto Affixed.

(S E A L)

GIVEN under my hand at the City of Washington, the 19th day of December in the year of our Lord, One thousand Nine hundred and ten and of the Independence of the United States of America, the One Hundred and Thirty-fifth

By the President

Wm H. Taft

Geo W. Wickersham

Attorney General.

O A T H

I, Edward R. Wright, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

(Signed)

Edward R. Wright,

Subscribed and sworn to before me, this third day of January, A. D., 1911

(Signed)

Edwin A. Coard

Notary Public.

(SEAL)

Day,

JANUARY 3rd

A. D.

1911

TERRITORY OF NEW MEXICO,
County of Santa Fe, } ss.

I, George W. Armijo, Clerk of the Probate Court of Santa Fe County, which is a court of record, having a seal, and ex-Officio recorder and clerk of said county, DO HEREBY CERTIFY that Edwin F. Coard, whose name is subscribed to the annexed oath of office of ... Edward R. Wright, as Associate Justice of the Supreme Court of the Territory of New Mexico, was at the time of administering said oath, a duly qualified and acting notary public in and for the County of Santa Fe, Territory of New Mexico, and duly authorized to administer the same.

And further, that I am well acquainted with the hand writing of the said Edwin F. Coard and verily believe that the signature to the said certificate of oath is genuine

In Testimony Whereof, I, have hereunto set my hand and affixed the seal of said court at Santa Fe this the third day of January A. D., 1911

(SEAL)

(Signed

George W. Armijo,

Clerk Probate Court

Thirty-fifth

Day,

Tuesday, January 3rd,

A. D.

1911

Thirty Fifth Day, Tuesday January 3rd, A.D., 1911

Court met pursuant to adjournment

Present, Honorable William H. Pope, Associate Justice

Honorable John R. McFie, Associate Justice

Honorable Ira A. Abbott, Associate Justice

Honorable Merritt C. Mechem, Associate Justice

Honorable Edward R. Wright, Associate Justice

Honorable Clarence J. Roberts Associate Justice

Frank W. Clancy Attorney General

C. H. Foraker, United States Marshal by Erineo Chaves Deputy

Jose D. Sena, Clerk.

Record of Thursday September 1st, A. D., 1910 was read and approved.

No.	Carrie M. Childers, Executrix etc.	)	
1331	Frank A. Hubbell,	)	
	vs	)	Appeal from District Court Bernalillo County
		)	
	Appellant,	)	
	Appellee,	)	

It is ordered by the court that the ordered entered in the above entitled cause on the first day of September, A. D., 1910, be and the same hereby is vacated, and held for naught.

No.	Territory of New Mexico	)	
1331	Manuel Chacon,	)	
	vs	)	Appeal from District Court Grant County.
		)	
	Appellee,	)	
	Appellant,	)	

This cause coming on before the court upon the motion of the Attorney General for the Territory showing here to the court that the appellant has failed to perfect his said appeal in the time prescribed by the law as shows by the certificate of the Clerk of this Court and moves the Court that this cause be docketed and the judgment of the court below be affirmed. And the Court being sufficiently advised in the premises, It is therefore considered and adjudged by the Court that the motion to docket the above entitled cause be and the same hereby is granted and in accordance therewith It is ordered by the court that this cause be and the same hereby is ordered docketed and the judgment of the court below in and for the county of Grant hence this cause come into this court be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that said appellant Manuel Chacon be and he hereby remanded to the custody of the Sheriff of Grant County, New Mexico, to be by him safely kept until he can conveniently convey the said Manuel Chacon to the City of Santa Fe in the Territory of New Mexico, and that the said sheriff then and there deliver him the said Manuel Chacon to the Superintendent of the New Mexico Territorial Penitentiary or his duly authorized agent and that he the said Manuel Chacon be therein confined at hard labor for not less than on nor more than three years from and after the date hereof. and that he pay the costs of this prosecution. to be taxed for which let execution issue.

No. 1352

Territory of New Mexico,

Appellee,

vs

Tom Riley and Dan Riley

Appellant,

Appeal from District Court Quay County.

This cause coming on before the court upon the motion of F. W. Clancy Esq Attorney General for New Mexico showing here to the Court that the appellant has not perfected his appeal herein and moves the Court to Docket the above entitled cause and to affirm the Judgment of the court below for the reasons therein stated, and the court being sufficiently advised in the premises, It is therefore ordered by the Court that the above entitled cause be and the same be and the same hereby is ordered docketed and the judgment of the district Court in the County of Quay whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the Court that the be and he hereby is remanded to the custody of the Sheriff of the County of Quay until such time as he can conveniently convey him the said Dan Riley to the New Mexico Penitentiary at Santa Fe, that he there be delivered to the custody of the Warden of the said New Mexico Penitentiary to be therein confined at hard labor for the period of not less than two years nor more than three years from the date of the sentence hereof and that he pay the costs of this prosecution to be taxed for which let execution issue.

It is ordered by the court that all causes motions for rehearing and other motions now pending before the court and remaining undisposed, be and the same hereby are continued for the term.

It is ordered that the Court do now adjourn sine die.

William H. Hooper

Chief Justice etc.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of Government, on the First Wednesday after the first Monday in January A. D., 1911 the same being Wednesday, January 4th, A. D., 1911

Present Honorable William H. Pope, Chief Justice
 Honorable John R. McFie, Associate Justice
 Honorable Frank W. Parker, Associate Justice
 Honorable Ira A. Abbott, Associate Justice
 Honorable Merritt C. Mechem, Associate Justice
 Honorable Edward R. Wright Associate Justice
 Honorable Clarence J. Roberts, Associate Justice
 Frank W. Clancy, Attorney General for New Mexico
 C. M. Foraker, United States Marshal by E. L. Chaves, Deputy
 Jose D. Sena, Clerk.

It is ordered by the court that Charles F. Abreu be and he hereby is appointed Crier for the present session of this court and Robert Willison be and he hereby is appointed bailiff for the present term of this court and they each appeared in open court and were duly sworn as such.

No.	Cordelia Erwin,	)	
1266	vs	)	Appeal from District Court Chaves County
	Soverign Camp Woodmen of the World,	)	
	Appellee,	)	

It is ordered by the court that the motion to recall the mandate herein be and the same hereby is overruled and denied.

No.	Territory of New Mexico,	)	
1306	vs	)	Appeal from District Court Bernalillo County
	Antimo Pettine,	)	
	Appellant,	)	

This cause coming on before the court upon the petition of appellant for further time in which to file additional brief and the court being sufficiently advised grants the same It is therefore considered and adjudged by the court that the appellant do have until the 23rd day of January 1911 in which to file additional brief

It is ordered by the Court that Messrs William J. Lucas, Julius Staab and C. C. Catron be and they hereby are appointed as members of the Bar Examining Board of the Territory of New Mexico.

No.	Las Vegas Railway & Power Company a corpora-	)	
1323	tion and William A. Buddiske	)	Appeal from District Court San Miel County
	vs	)	
	The Trust Company of St Louis, a corporation	)	
	Appellee,	)	

It is ordered by the court that the three motions to strike out the motion for rehearing

and the Briefs of Appellant and motion of appellee to substitute said three motions filed by appellant herein be and the same hereby are set for hearing for Saturday January 7th 1911.

No. 1347	Territory of New Mexico,	)	)
	vs		
	Appellee,		
	Daniel Archuleta,		
	vs		
	Appellant,		Appeal from District Court Socorro County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the parties hereby be granted further time in which to file briefs herein until the 23rd day of January 1911

No. 1237	The Arizona & Colorado Railroad Company	)	)
	of New Mexico		
	Appellee,		
	vs		
	The Denver & Rio Grande Railroad Company		
	Appellant,		Appeal from District Court San Juan County.

It is ordered by the court that the parties herein be and they hereby are granted two hours each side for the oral argument of this case.

No. 1217	Gallup Electric Light Company	)	)
	vs		
	Appellee,		
	Pacific Improvement Company		
	Appellant,		Appeal from District Court McKinley County

This cause coming on before the court upon a reargument herein, upon the transcript of record, assignment of errors, Briefs of counsel, is argued by E. W. Dobson and F. W. Clancy for appellant and J. M. Hervey, esq. for appellee and submitted to the court and the Court not being sufficiently advised in the premises takes the same under advisement.

No. 1359	Richard Di Palma, and Bernard Ruppe	)	)
	Appellees,		
	vs		
	J. A. Weinman, & Joseph Barnett,		
	Appellants,		Appeal from District Court Bernalillo County

It is ordered by the court that the time for filing motion for diminution of the record in the above entitled cause be and the same hereby is extended until the 6th day of January 1911

No. 1358	Territory of New Mexico	)	)
	vs		
	Appellee,		
	Malcon Trapp		
	Appellant		Appeal from District Court Lincoln County

It is ordered by the court that the time for the filing of a motion for diminution of the record in the above entitled cause be and the same hereby is extended until tomorrow January 5th, 1911

Now comes the Board of Bar Examiners heretofore appointed to examine all applicants for admission to the bar of this court, and report to the court that they find Messrs Fred Sherman, Edward W. Holmes, James R. Jaffrey, Fred L. Burgan, Ed Mechem, Blake Franklin, Charles A. Johnson, Henry V. B. Smith, Donald Witherspoon, M. M. Robertson, Berry L. Strange, James W. Normant, Harry D. Moulton and J. Ellis Walker proper and suitable persons to be admitted to the bar of this court, and upon motion of William J. Lucas, Esq. it is considered and adjudged by the court that Messrs Fred Sherman, Edward W. Holmes, James R. Jaffrey, Fred L. Burgan, Ed Mechem, Blake Franklin, Charles A. Johnson, Henry V. B. Smith, Donald Witherspoon, M. M. Robertson, Berry L. Strange, James W. Normant, Harry D. Moulton and J. Ellis Walker, be admitted as attorneys, solicitors and counselors of this court, upon the signing the roll and taking the oath of office and the clerk of this court is hereby directed to issue to the above named persons a proper certificate of admission. Whereupon Messrs Fred Sherman, Fred L. Burgan, Ed Mechem, Charles A. Johnson, Henry V. B. Smith, Donald Witherspoon, Berry L. Strange, James W. Normant and Harry D. Moulton appeared in open court and were duly sworn and subscribed to the roll.

No.	The Bank of Commerce,	)	
1248	vs	) Appellee,	
	Jaspar N. Broyles, et al.,	)	Appeal from District Court Socorro County.
		) Appellants,	

This cause again coming on upon the oral argument on the motion for rehearing, the same was argued by H. M. Dougherty for appellee, and F. E. Woods Esq for appellant and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No.	In the matter of the last will and testa-	)	
1354	ment of Sarah Ellen Dye, deceased, Isaiah Dye	)	
	executor	) Appellee,	
	vs :	)	Appeal from District Court Bernalillo County
	Ora Butler Meice,	)	
		) Appellant;	

This cause coming on for hearing upon the motion of appellee herein to dismiss the above entitled cause, is argued by F. E. Wood, Esq. for appellee and Frank W. Clancy, Esq. for Appellant and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No.	Puritan Manufacturing Company	)	
1361	vs	) Appellee,	
	Toti & Gradi,	)	Appeal from District Court Bernalillo County.
		) Appellant	

This cause coming on before the court upon the motion of Appellee to affirm the judgment of the court below for failure of appellant to perfect his appeal the same is argued by F. H. Lester for appellee and T. N. Wilkerson for appellant and submitted to the Court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Second Day, Thursday, January 5th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1250 Eagle Mining & Improvement Company)
Plaintiff in Error,)
vs) Error to District Court Chaves County.
R. E. Lund,)
Defendant in error,)

This cause coming on before the court upon the motion of plaintiff in error herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises, overrules the said motion. It is therefore considered and adjudged by the court that the motion for rehearing be and the same hereby is overruled.

No. 1256 The Sacramento Valley Irrigation Co.,)
Plaintiff in Error,)
vs) Error to District Court Otero County.
Olimer M. Lee,)
Defendants in Error,)

This cause coming on before the court upon the motion of plaintiff in error herein for a rehearing, and the court having had the same under advisement and being now sufficiently advised in the premises overrules the same It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is overruled.

No. 1269 Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Carlos Cecil Ayer,)
Appellant,)

This cause coming on before the court upon the motion of appellant herein for a rehearing, and the court having had the same under advisement and being sufficiently advised in the premises, overrules the same It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby overruled.

No. 1324 Michael O'Neill)
Appellant,)
vs) Appeal from District Court Santa Fe County.
Fred J. Otero, Special Master,)
Appellee,)

This cause coming on before the court upon the motion of appellant for a rehearing herein and the court having had said motion under advisement and being sufficiently advised in the premises, overrules the same: It is therefore considered and adjudged by the Court that the motion for rehearing herein be and the same hereby is overruled.

No. 1367 P. H. Goesling, Et al,)
Appellees,)
vs) Appeal from District Court Bernalillo County
Gross Kelly & Co.,)
Appellant,)

This cause coming on before the court upon the motion of appellant for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the

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premises, overruled the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is.

No.	Eagle Mining & Improvement Company,	)	
1177	vs	)	
	Mary R. Hamilton et al.,	)	Appeal from District Court Lincoln County
	Appellees,	)	
No.	H. B. Hamilton, Jr. administrator of the estate of H.B. Hamilton deceased et al,	)	
1178	vs	)	
	Eagle Mining and Improvement Company,	)	Appeal from District Court Lincoln County.
	Appellant,	)	

Now come the appellees in the above entitled causes by James G. Fitch, Esq. their attorney and present here to the court a mandate from the Supreme Court of the United States from which it appears that said supreme Court of the United States has affirmed the judgment of this court in these causes and moves the court for a judgment in accordance with said mandate which motion is granted by the Court. It is therefore considered in pursuance of the said judgment heretofore entered herein in this court which has been affirmed by the Supreme Court of the United States that the judgment of the District Court and for the county of Lincoln whence this causes came into this court be and they are hereby affirmed, and that in accordance therewith it is considered and adjudged by the court that Humphrey B. Hamilton, Jr. as administrator of the estate of Humphrey B. Hamilton deceased do have and recover of and from the Eagle Mining & Improvement Company the sum of Fourteen Thousand Nine Hundred and sixty eight and 19/100 Dollars with interest thereon at the rate of six per cent per annum from date until paid, together with costs of suit, within three months from this date, and that concurrently with the payment to said Mary R. Hamilton, Humphrey B. Hamilton Jr., Fernwick Hamilton and Lulu Driscoll, as the heirs of the estate of said Humphrey B. Hamilton, deceased, do execute and deliver to the Eagle Mining and Improvement Company a good and sufficient deed of conveyance for the said undivided one half interest in and to the Hopeful Lode Mining Claim and Mill site, being designated by Mineral Certificate No. 365, and by Surveyor General as Lots 652A and 652B embracing a portion of township ten South of Range eleven of the New Mexico principal meridian, said mining claim and mill site being the same property patented by Government of the United States to R.C. Parsobs; by patent issued August 3rd, 1892, and recorded in Book "D" page 522 of the records of the Probate Clerk and ex-officio Recorder of the County of Lincoln.

It is further ordered and adjudged and decreed that upon default of said payment by said Company, within the period of three months from and after this date, the said undivided one half interest in and to the Hopeful Lode Mining Claim and Mill Site be sold by A. H. Hudspeth, Esquire who is hereby appointed Master in Chancery for that purpose, at Public Auction to the highest bidder at the front door of the Lincoln County Court House; that said Master give previous notice of the time and place of said sale by advertisement, for not less than four weeks, in some paper published within the said County of Lincoln; that out of the proceeds of said sale said Master pay, first, all of the costs of these suits, together with the costs of advertisement and sale, and then pay to the said Humphrey B. Hamilton, Junior, as administrator the said sum of Fourteen Thousand nine hundred and sixty-eight 19/100 Dollars with six per cent interest there

and from this date until paid, or so much thereof as can be paid of the proceeds of said sale and in finding the surplus, if any, the Court or in case of deficiency, that he report the amount of said deficiency to the Court.

It is further ordered that said Master be allowed the same fees and commission as are allowed by law to Sheriffs on the sale of real estate under execution at law; that said Master make his report to the Court with all convenient speed, and execute a good and sufficient deed of conveyance to the purchaser at such sale, when approved and confirmed by the Court.

It is also ordered by the Court that the said Humphrey B. Hamilton Jr., as Administrator, do give an account of and from the Boyle Mining and Improvement Company, the sum of Ten Thousand Seven Hundred and thirty 62/100 Dollars together with costs herein expended to be taxed and that execution issue therefor.

De. 1235
 Temporary of New Mexico
 vs
 William Taylor
 Appellee,
 Appellant,
 Appeal from District Court Lincoln County.

This cause coming on before the Court upon the transcript of record, assignment of error and briefs of counsel, is submitted to the Court on briefs. And the Court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the Court that the appellant do have sixty days from this date to file briefs herein and the appellee thirty days thereafter.

Now comes the committee heretofore appointed to examine applicants for admission to the Bar and report here to the Court that they find Messrs Frank Herron (Claudius J. Neis, Edward D. Tipton, Raymond R. Ryan, Abner Baldwin Robertson, Leo M. Tipton and James E. Pardue, proper and suitable persons for admission to the bar of this court and upon motion of William J. Lucas, Esq. It is ordered by the Court that Frank Herron, Claudius J. Neis, Edward D. Tipton, Raymond R. Ryan, Abner Baldwin Robertson, Leo M. Tipton and James E. Pardue be admitted to the bar of this court as attorneys solicitors and counselors of this court upon their signing the roll and taking the oath prescribed by the rules. And the clerk of this court is hereby directed to issue the said above named persons a proper certificate of admission. Whereupon they each and all of them appeared in open court and were duly sworn and subscribed to the roll.

It is ordered by the Court that the Temporary License of Thomas Haskel Jones, L.C. Van-Hecke Frank B. Grant and J. A. Lowe, be extended until the mid summer session of this court.

It is ordered by the Court that the temporary license of Taylor Cummings be extended until the mid summer session of this court on condition that he complete his application now on file with this board.

It is ordered by the Court that The sum of Ten Dollars be and hereby are ordered refunded to Raymond R. Kendrick as recommended by the Board of Bar Examiners.

No. 1237 The Arizona & Colorado Railroad Company of New Mexico, Appellee)
 vs) Appeal from District Court Bernalillo County
 The Denver & Rio Grande R. R. Company Appellant,) Change of Venue from San Juan County

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by F. W. Clancy Esq. for Appellant and Ritter Esq and Thomas B. Catron, Esq. for Appellee and submitted to the Court, and the court not being sufficiently advised in the premises takes the same under advisement.

Associate Justice Mechem not having heard the argument in this case it is agreed by counsel for both sides that he shall participate in the consideration and decision of this case upon the briefs and printed argument herein and it is so ordered.

It is ordered that the following allowances be and they hereby are made and the same are here by ordered paid out of the Fund for Admissions to the Bar to wit:

W.J. Lucas, Per diem & Mileage	\$ 72.80
Julius Staab, Per diem and Mileage	73.60
Jose D. Sera, Clerk, Admission fees etc	145.00
Mrs G.F. McNitt, Typewriting	10.00
R.R. Kendrick, Refund,	10.00
New Mexican Printing Company, stationery	7.00

Now Comes Honorable Frank W. Clancy, Attorney General, and suggests here to the Court the death of Honorable Stephen B. Elkins, former Attorney General and Delegate from this Territory and after hearing to his remarks the Court appointed a committee consisting of Honorable Thomas B. Catron, Honorable Frank W. Clancy and Honorable George W. Prichard, all former attorney Generals and one acting attorney General of this Territory to prepare and present proper resolutions to the Court on some future date as to the death of Honorable Stephen B. Elkins and out of Respect to his memory the Court adjourned for the day.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
 Chief Justice etc.

Third Day, Friday, January 5th, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday except Hon Merritt C. Mechem Associate Justice

Record of yesterday's proceedings is read and approved

No. 1359 Richard M. Palma and Bernard Ruyge
Appellants,
vs
Jacob A. Weinman and Joseph Barnett,
Appellees,
Appeal from District Court Bernalillo County.

This cause coming on before the court upon the motion of appellants for a writ of certiorari directing the Clerk of the Second Judicial District Court in and for the County of Bernalillo to send into this Court Exhibits I, L, M, N-1 to N-5 inclusive and O-1 and O-2 and the court having had said motion under consideration and being sufficiently advised in the premises grants the same. It is therefore considered and adjudged by the Court that the Motion of appellants for certiorari be and the same hereby is granted and that in accordance therewith, It is considered and adjudged that the Clerk of the District Court in and for the County of Bernalillo, forthwith forward to the Clerk of the Supreme Court of the Territory of New Mexico, for use in the hearing of the above entitled cause Exhibits, I, L, M, N-1 to N-5 inclusive and O-1 and O-2 to be considered as part of the record herein.

No. 1373 Frank H. Moore, as assignee of the estate of Charles Zeiger,
Appellee,
vs
Western Meat Company,
Appellant,
Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record assignment of errors and briefs of counsel, is argued by A. B. McMillen, for appellee, and E. W. Dobson, esq and George C. Clock for Appellant and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court, by agreement of parties that Associate Justice Mechem not having heard the argument herein he participate in the consideration of this case in the briefs and argument thereon

No. 1343 Territory of New Mexico ex rel City of Albuquerque
Appellee,
vs
O.A. Matson, City Treasurer of the City of Albuquerque,
Appellant,
Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Francis E. Wood, Esq and H. J. Collins, for Appellant and M. E. Hickey, E. A. Man, and M. E. Hicke, for appellee, and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

No. 1345 The Atchison Topeka & Santa Fe Ry Co.,
Appellant,
vs
Citizens Traction & Power Company
Appellee,
Appeal from District Court Bernalillo County.

It is ordered by the court, upon the agreement of counsel that this cause be and the

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same hereby is consolidated for argument with cause No. 1346.

No.	Citizens Traction & Power Company,	)	
1346	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Atchison Topeka, and Santa Fe Railway Co.,	)	
	Appellant,	)	

It is ordered by the court, upon agreement of counsel, that this cause be and the same hereby is ordered consolidated for argument with cause No. 1345.

No.	The Atchison, Topeka and Santa Fe Ry Co.,	)	
1345	Appellant,	)	
	vs	)	Appeal from District Court Bernalillo County.
	The Citizens Traction & Power Company	)	
	Appellee,	)	

No.	Citizens Traction & Power Company	)	
1346	Appellee	)	
	vs	)	Appeal from District Court Bernalillo County.
	Atchison, Topeka & Santa Fe Railway Company	)	
	Appellant,	)	

These causes coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by R. E. Twitchell, Esq and E. W. Dobson, Esq for appellants and Edward A. Mann, and Isaac Barth, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

Melvin H. Pope
Chief Justice etc.

Fourth Day, Saturday, January 7th, A. D., 1911

Court not present to adjournment

Present as upon y-sterday

Record of yesterday's proceedings was read and approved.

No. 1322. Gustave Lerich,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Fred G. Nicholl, et al.)
Appellant,)

This cause coming on before the court for argument upon the transcript of record assignment of errors and briefs of counsel, is argued by H. J. Collins, Esq. for appellee and Isaac Barth, for appellant, and submitted to the court and the court not being sufficiently advised in the premises, takes the case under advisement.

No. 1323. Las Vegas Railway & Power Company, a corporation)
vs)
The Trust Company of St. Louis, a corporation)
Appellee,) Appeal from District Court San Miguel County.

This cause coming on before the court before the motion of appellee herein to make new parties in this cause and the motion of appellant to strike the same from the files, now comes the appellants and confess that the motion is not in time, It is therefore considered and adjudged by the court that the motion of appellant to strike from the files the motion of appellee is hereby granted and the motion of appellants stricken from the files.

This cause again coming on before the court upon the motion of appellant herein to strike from the files the brief of appellants for the reason that the same is not signed by attorney of the bar of this court and the court having heard argument and being sufficiently advised in the premises It is ordered by the court that the motion of appellants to strike from the files, the brief of appellee be and the same hereby is denied and the appellee is hereby granted leave to sign the said briefs as of the date when filed.

Now again this cause coming on before the court upon the motion of appellant to strike from the files the motion of appellee for a rehearing herein, It is argued by T.P. Carr, Esq. for appellee and R.D.W. Veeder for appellant and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1245. Dalton A. Chappell,)
Appellant,)
vs) Appeal from District Court Socorro County.
Daniel H. McMillen, et al.,)
Appellees,)

This cause coming on before the court on motion of appellants for a rehearing herein and the court having had said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied.

No. 1350 S. T. Gray, and Robert Brady
 Robert H. Taylor, et al., vs Appellants,)
 Appellees,) Appeal from District Court Lincoln County.

This cause coming on before the court on motion of the appellants herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is granted.

It is further ordered by the court that this cause be and the same hereby is set for hearing for January 30th, 1911.

No. 1323 Las Vegas Railway & Power Company, a corporation and William A. Buddicke, Appellants,)
 The Trust Company of St Louis, vs Appellee,) Appeal from District Court San Miguel County.

This cause having been argued and submitted to the court upon the motion of appellants to strike from the files the motion of appellee for a rehearing, and the court having had the said motion under advisement and being sufficiently advised in the premises, grants the motion of appellant to strike from the files the motion of appellee for a rehearing. It is therefore considered and adjudged by the court that the motion of appellants to strike from the files the motion of appellee for a rehearing be and the same hereby is granted and that in accordance therewith it is considered and adjudged by the court that the motion of appellee for a rehearing be and the same hereby is stricken from the files.

No. 1332 George A. Davidson, Plaintiff, Etta Owens, et al., Defendants, vs Appellants,)
 Citizens National Bank of Roswell N.M. Defendants, Appellees,) Appeal from District Court Chaves County.

This cause coming on before the court upon the motion of appellees for a rehearing and the court having had the said motion under advisement and being sufficiently advised in the premises, denies the motion of appellee for a rehearing. It is therefore considered and adjudged by the court that the motion of appellee for a rehearing be and the same hereby is denied.

It is ordered that the court do now adjourn until Monday January 23rd, A.D., 1911 at ten o'clock A. M.

William H. Dope

Chief Justice et c

Fifth Day, Monday, January 23rd, A.D., 1911

Court met pursuant to adjournment.

Present Honorable John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice

Honorable Merritt C. Mechem, Associate Justice

Honorable Edward R. Wright, Associate Justice

Honorable Clarence J. Roberts, Associate Justice

S. B. Davis, Assistant United States Attorney,

H. S. Clancy, Assistant Attorney General

C. H. Foraker, U. S. Marshal by W. L. Chaves, Deputy

Jose D. Sena, Clerk.

Minutes of Saturday January 7th, was read and approved.

No. 1327	United States of America,	)	Appeal from District Court 4th District
		)	
	vs	)	
	George Snell,	)	
	Appellant,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term.

No. 1335	M. E. Woodling,	)	Error to District Court San Miguel County.
		)	
	Plaintiff in Error,	)	
	vs	)	
	Secundino Romero, et al,	)	
	Defendants in error,	)	

It is ordered by the court that this cause be and the same hereby is re-set for hearing for January 30th, A. D., 1911,

No. 1370,	First National Bank of Artesia,	)	Appeal from District Court Bernalillo County.
		)	
	Appellee,	)	
	vs	)	
	The Home Insurance Company of New York,	)	
	Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, upon stipulation of counsel is submitted to the court on briefs and the court, not being sufficiently advised in the premises, takes the same under advisement.

No. 1342	Ex Parte Geo E. Priest, et al.,	)	Appeal from District Court San Miguel County.
		)	
	Appellants,	)	
	vs	)	
	Board of Trustees of the Town of Las Vegas	)	
	Appellees,	)	

It is ordered by the court that this cause be and the same hereby is re-set for hearing for Saturday January 28th, 1911

No.
1341

J. H. Kingston and W.D. MaHoney

Appellee,)

vs

J. W. Walters,

Appellant)

Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by J. M. O'Brien, for appellant and submitted on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

Now comes J. M. O'Brien and suggests to the court the death of the appellant herein and moves the substitution of the heirs at law as appellants herein and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the heirs at law of J. W. Walters deceased be and they hereby are substituted as parties appellants in the above entitled cause.

No.
1374

Territory of New Mexico,

Appellee,)

vs

C. L. Parsons,

Appellant,)

Appeal from District Court Chaves County.

Now comes the Honorable F. W. Clancy Attorney General for the Territory of New Mexico and presents here to the court a skeleton transcript in the above entitled cause, and moves the court to docket and affirm the judgment of the District Court for the reason that the appellant has failed to perfect his appeal herein and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed and that the judgment of the District Court in and for the county of Chaves whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that the said appellant C.L. Parsons do make unto the Territory of New Mexico a fine of the penal sum of fifty dollars and that he pay the costs of this prosecution to be taxed for which let execution issue.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
Chief Justice etc.

Sixth Day, Tuesday, January 25th, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday and Honorable William H. Pope, Chief Justice

and D. J. Leahy United States Attorney.

Record of yesterdays proceedings read and approved.

No. 1361 Hilbert H. Pierce and Louis F. Lyon, part-
ners doing business under the firm name
and style of Puritan Manufacturing Co.,
Appellee,)
vs) Appeal from District Court Bernalillo County.
A. Toti and L. Gradi, partners doing busi-
ness under the firm name and style of Toti
and Gradi) Appellants,)

This cause having been argued by counsel and submitted to and taken under ad-
visement by the court upon the motion of appellee to affirm the judgment of the District Court
for failure of the appellant to perfect their appeal in due time as prescribed by law, and
the court being now sufficiently advised in the premises, announces its decision by Chief
Justice Pope, Associate Justices Parker, Morie, Wright, Mechem and Roberts Concurring, af-
firming the judgment of the court below, for reasons stated in the opinion of the court on
file, It is therefore considered and adjudged by the court that the judgment of the Distrit
court in and for the county of Bernalillo whence this cause came into this court, be and the
same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by
the court that tthe Plaintiff the Puritan Manufacturing Company do have and recover of and
from B. Toti and L. Gradi, partners doing business under the name and style of Toti and Gradi
as principals and of and from G. Gioni and Chas Melini as Sureties in the appeal bond the sm
sum oftwo hundred and sixty four dollars with interest thereon at the rate of six percent
per annum from December 31st, A.D., 1909. until paid, together with costs in this behalf
expended to be taxed for which let execution issue.

No. 1266 H.F. Pierce and L.F. Lyons, partners doing)
business under the firm name and style of)
Puritan Manufacturing Company, Appellee)
vs) Appeal from District Court Bernalillo County.
B. Toti and L. Gradi, partners doing bus-)
siness under the firm name and style of)
Toti and Gradi,) Appellant,)

It is ordered by the court in pursuance of the poinion handed down in case No. 1361
that the appeal in the above entitled cause be and the same hereby is dismissed.

No. 1348 United States of America,)
Appellee,)
vs) Appeal from District Court 6th Judicial District
Joe Martin,)
Appellant,)

Now Comes D. J. Leahy, United States District Attorney and moves the court to affirm the
judgment of the District Court in the above entitled cause, for failure of the appellant
to enter his appearance and file briefs and the court having had said motion under advise-

ed in the premises, grants the said motion It is therefore considered and adjudged by the court that the motion of appellee for affirmance herein be and the same hereby is granted and that in accordance therewith It is considered and adjudged by the court that the judgment of the district Court in and for the Sixth Judicial District whence this Court came into this court be and the same hereby is affirmed, and that in accordance therewith It is therefore, considered, ordered, adjudged and decreed that the defendant and appellant Joe Martin, his agents servants and employes, and each and every one of them be and they hereby are commanded to immediately remove the fence and enclosure situated upon and enclosing certain public lands of the United States described in plaintiff's complaint herein; and further, the said Joe Martin his agents, servants and employes, be and they hereby are enjoined from again enclosing^{or} maintaining the said fence, and from in any manner again enclosing said land or any portion thereof so long as the same shall remain the property of the United States; and further that in case the said defendant, Joe Martin, shall fail or refuse to remove said fence within five days after being served with a copy of this order, then and in that event the United States Marshal for New Mexico is hereby directed and commanded to destroy the said fence; and a copy of this order shall be his warrant for so doing, It is further ordered and adjudged by the court that the said appellant pay the costs of this suit for which let execution issue.

No.	City of Roswell,	)	
1352	vs	)	Appellee,
	Mrs Mary Bell Perkins,	)	Appeal from District Court Chaves County.
		)	Appellant,

This cause coming on for hearing upon the transcript of record assignment of errors and brief of counsel, is argued by H.M.Dow for appellee and submitted to the court on briefs for the appellee and the court not being sufficiently advised in the premises takes the same under advisement

No.	Richard Di Palma, and Bernard Ruppe,	)	
1259	vs	)	Appellee,
	J. A. Weinman, ad Joseph Barnett,	)	Appeal from District Court Bernalillo County.
		)	Appellant

Now comes the attorney for appellants herein and asks the court for an order on the clerk of the District Clerk of the County of Bernalillo directing him to send to this court for the inspection of the court the Original Bill of Particulars in the above entitled cause and the court being sufficiently advised in the premises, grants the said motion It is therefore considered and adjudged that the rule of this court issue against the clerk of the said District Court in and for the county of Bernalillo commanding him to forthwith transmit to the clerk of this Court for the inspection of the Court the original bill of Particulars in the above entitled cause.

Messrs James R. Jaffry and J. Franklin Blake appeared in open court and took the oath and subscribed to the oath

No. 1344

Territory of New Mexico,

vs

Appellant,

Young E. Hurt,

Appellee,

Appeal from District Court Lincoln County.

This cause coming on before the court for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by F. W. Counsel for appellant and George W. Prichard for appellee, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Poff

Chief Justice

Seventh Day, Wednesday, January, 25th, A. D., 1911

Court met pursuant to adjournment,

Present as upon yesterday, except D.J. Leahy United States Attorney

Record of yesterday's proceedings was read and approved.

No. 1375	United States of America,	)	
		)	
	vs	)	Appeal from District Court Fifth District
	R. E. Nix, et al.,	)	
		)	
	Appellant,	)	

This cause coming on upon the motion of the appellants in the above entitled cause to dismiss the appeal herein and for mandate enforcing the decree of the court below, and the court having had said motion under advisement and being sufficiently advised in the premises, It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed and the judgment of the court below affirmed, and that in accordance therewith, It is therefore considered and adjudged that the judgment of the District Court in and for the Fifth Judicial District Court whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that, Whereupon, pursuant to a verdict of guilty as charged in the first count of the indictment herein, said verdict being returned by a jury in this cause and filed and recorded on October 28th A. D., 1910, the court assesses the punishment of said Robert E. Nix at imprisonment in the Federal Prison at Santa Fe, for fifteen months, and that he pay the costs of this prosecution to be taxed, It is therefore considered and adjudged by the court and it is the judgment and sentence of this court that said defendant Robert E. Nix, for and on account of the charge in the first count in the indictment, be imprisoned in the Federal Prison at Santa Fe, New Mexico for the full term of fifteen months, that he pay the costs of this prosecution to be taxed, and that execution issue therefore;

It is further Considered and adjudged by the court and it is the judgment and sentence of the Court, that the said defendant Robert E. Nix, for and on account of the second count in the indictment be imprisoned in the Federal Prison at Santa Fe, New Mexico, for the full term of fifteen months, that he pay the costs of this prosecution to be taxed, and that execution issue therefor;

It is further ordered and adjudged by the Court that the sentences herein against said defendant Robert E. Nix be and they hereby are made concurrent.

It is further Considered and adjudged by the Court and it is the judgment of the court that for and on account of the charge made in the first count of the indictment, that the said defendant Jesus Valverde be imprisoned in the Federal Prison at Santa Fe, New Mexico, for the full term of six months, that he pay the costs of this prosecution to be taxed and that execution issue therefor;

It is further Considered and adjudged by the court and it is the judgment and sentence of the Court that for and on account of the charge in the second count of the indictment, that the said defendant Jesus Velarde, be imprisoned in the Federal Prison at Santa Fe, New Mexico, for the full term of six months, and that he pay the costs of this prosecution to be taxed and that

execution issue therefor;

It is further ordered and adjudged by the Court that the sentences herein against said Jesus Velarde be and they hereby are made concurrent

No. 1355	M. E. Woodling,	)	) Error to District Court San Miguel County.
	Plaintiff in error	)	
	vs	)	
	Secundino Romero, et al.,	)	
	Defendant in Error,	)	

This cause coming on before the court upon the motion of defendants in error to Dismiss the writ of error herein for failure of Plaintiff in error to Print the Transcript of record herein, the said motion together with the case on the merits is submitted to the court on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1355-7	Rafael Tagliaferri,	)	) Appeal from District Court Bernalillo County.
	Appellee, & Cross Appellant	)	
	vs	)	
	Caesar Grande,	)	
	Appellant & Cross Appellee,	)	

These causes coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Neill B. Field, Esq. for Appellee and Cross Appellant, and Francis E. Wood, Esq. for Appellant and Cross Appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at two o'clock A. M.

William H. Roper
Chief Justice etc.

Eighth Day, Thursday, January 26th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	United States of America,	)	
1216	Appellee,	)	
	vs	)	Appeal from Third Judicial District Court
	Santa Rita Store Company and Santa Rita Min-	)	
	ing Company	)	Appellants,

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justices Pope, and Associate Justices McFie, Abbott and Wright, concurring reversing the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the Third Judicial District whence this cause came into this court be and the same hereby is reversed and this cause be and the same hereby is remanded to the said district court.

No.	Territory of New Mexico,	)	
1320	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	John Donahue, alias Jack Donahue,	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem Chief Justice Pope and Associate Justices McFie, Parker and Wright concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to grant a new trial.

No.	Territory of New Mexico,	)	
1315	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Robert H. Pierce.	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope, and Associate Justices McFie, Parker and Mechem, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the said Robert H. Pierce be delivered to the

custody of the sheriff of Bernalillo county to be by him safely kept until he can convey him the said Robert H. Pierce to the Territorial Penitentiary at Santa Fe. that he there be delivered to the Warden of the said Territorial Penitentiary at Santa Fe, and that he the said Robert H Pierce be therein confined for a maximum period of not more than four years or a minium period of not less than two years, and that he pay the costs of this prosecution to be taxed for which let execution.issue.

No. 1353 vs)
Gustave Leusch Appellee,)
Fred G. Nickel, et al.,) Appeal from district Court Bernalillo County.
Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Morie, Chief Justice Pope and Associate Justices Parker, Mechem, Wright and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee do have and recover of and from the appellants Fred G. Nichol, Milton H. Edwards and Lena Edwards, as principals, and of and from Harold S. Carter, Don Rankin and J.E. Haines, as sureties on the appeal bond the sum of one thousand and twentyseven (\$1027.00) Dollars with interest thereon at the rate of six per cent from the 27th day of May, A. D., 1910 until paid, together with the costs in this behalf expended to be taxed for which let execution issue.

No. 1360 The Tularosa Community Ditch, et al.,
 Appellee,
vs
The Tularosa Community Ditch, et al.,
Appellant,
Appeal from District Court Otero County.

On Motion of Charles A. Spiess, Esq. it is ordered by the Court that W. J. Connell, Esq. be and he hereby is admitted to this court for the purposes of this case.

Now comes Mr Edward L. Holmes, who having been previously admitted to this court appears and signs the roll and takes the oath in open court.

No. 1356 First National Bank of Albuquerque,)
 Appellee,)
 vs)
H.J.Havercampf (J.M.Miller, Trustee in) Appeal from District Court Bernalillo County.
Bankruptcy) Appellant.)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Francis E. Wood, for appellant and Felix H. Lester and

Herbert F. Reynolds, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No.. The Community Ditches or Asequias of Tularo-)
1360 ~~S~~ townside, a corporation) Appellants)
vs) Appeal from district Court Otero County.
The Tularosa Community Ditches et al,)
Appellees,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by W. J. Connel, Esq for appellant and Byron Sherry, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the appellee do have fifteen days from this date in which to file its brief herein.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Roper
Chief Justice, etc.

Ninth Day, Friday, January, 28th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings read and approved.

No. 1331 C. H. Childers, Executrix etc,)
Appellant,)
vs) Appeal from District Court Bernalillo County
Frank F. Hubbell,)
Appellant,)

This cause again coming on for hearing upon the motion of appellee on a motion to offset the costs assessed against the appellee herein and the court having had the motion under advisement and being sufficiently advised in the premises. It is considered and adjudged by the court that the costs of this appeal be and the same hereby are assessed against the appellee herein, It is further ordered and adjudged by the court that the sum of Sixty three Dollars and twenty eight cents costs already paid by appellant be and the same hereby are deducted from the judgment of this court, and it is therefore considered and adjudged by the court that the appellee do have and recover of and from the Appellant Carrie H. Childers, as Executrix of the last will and testament of William B. Childers, deceased the sum of Two Hundred and ten dollars with interest thereon at the rate of six per cent per annum from the 8th day of January A. D., 1910 together with the sum of thirty four dollars and seventy seven cents being the amount of costs of the district court due after deducting the amount of Sixty Three 23.100 dollars costs of this court hereby ordered deducted by this court, and that the appellee pay the balance of the costs in this court not heretofore paid by parties for which let execution issue.

No. 1362 R. E. Putney,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Franz Schmidt, et al., etc.)
Appellees,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by T. B. Catron Esq. for appellant and Francis E. Wood Esq for Appellees and submitted to the Court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the court that the appellant do have until February 2nd to file his reply brief herein and that appellees do have until Saturday February 5th, A. D., 1911 to file typewritten reply thereto.

No. 1269 Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court Bernalillo County.
Carlos Cecil Ayer)
Appellant,)

Upon reading the appellant's petition for a writ of error etc. and his assignment of error, both to the file herein, it is on motion of appellant's counsel ordered that the

Ninth *Day,*

Friday, January 28th,

A. D.

1911

prayer of the said petition be granted, and that a writ of error be and hereby is allowed, to have reviewed in the Circuit Court of Appeals of the United States in and for the Eighth Circuit Court of Appeals of the United States in and for the Eighth Circuit the judgment of affirmance entered herein on the 29th day of August, A. D., 1910, and that the judgment and sentence against the appellant be stayed pending the review of said cause upon the said appellant, Carlos Cecil Ayer, into a good and sufficient bond in the sum of five thousand (\$5,000.00) dollars conditioned as required by law, the said bond to be approved by one of the judges of the Supreme Court of the Territory of New Mexico.

Santa Fe January 27, 1911

(Signed)

Wm. H. Pope.

Chief Justice

No. 1363 The Huston Lumber Company, A)
Appellant,)
vs) Appeal from District Court Curry County.
Harry Neal et al.,)
Appellees,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1363 Colorado Telephone)
Appellant,)
vs) Appeal from District Court Bernalillo County.
Chas G. Field,)
Appellee,)

This cause coming on for hearing upon the motion of appellant for a rehearing herein and the court having had the said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied.

No. 1365 George S. Klock,)
Appellant,)
vs) Appeal from District Court Bernalillo County.
Edward A. Mann,)
Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by Summers Burkhart, esq. and Julius Staab, Esq for appellant and Neill B. Field, Esq. for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

it is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

judgment and sentence against the appellant be stayed pending the review of said cause upon the appellant Robert H. Pierce entering into a good and sufficient bond in the sum of Five Thousand Dollars, conditioned as required by law, the said bond to be approved by one of the Judges of the Supreme Court of the Territory of New Mexico.

(Signed)

William H. Pope,

Chief Justice etc.

Dated this 28th day of January, A.D., 1911

It is ordered that the court do now adjourn until Monday Morning at ten o'clock A. M.

William H. Pope,

Chief Justice etc.

Eleventh Day, Monday January 30th, A.D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1377	J. L. House.	vs	Appellee,	)	Appeal from District Court Curry County.
	W. H. Hittson,		Appellant,		

This cause coming on before the court upon the motion of appellee to docket and affirm the judgment of the court below, for the failure of the appellant to perfect his said appeal and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed, and the judgment of the court below, in and for the county of Curry be and the same hereby is affirmed, and in accordance therewith, It is considered and adjudged by the court that the appellee do have and recover of and from the appellant, judgment in the sum of two hundred dollars with interest thereon at the rate of six per cent per annum from the 30th day of March A. D., 1910. until paid, together with costs in this behalf expended for which let execution issue?

No. 1350	S. T. Gray and Robert Brady,	vs	Appellants,	)	Appeal from District Court Lincoln County.
	Robert H. Taylor et al.,		Appellees,		

This cause coming on for hearing upon a rehearing, upon the transcript of record assignment of errors, and briefs of counsel, is argued by T. B. Catron, Esq. for Appellant and John Y. Hewitt, Esq. for appellees and submitted to the court and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope
Chief Justice, etc.

Twelfth

Day,

Tuesday, January 31st,

A. D.

1911

Twelfth Day, Tuesday, January 31st, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

Melvin H. Dope
Chief Justice etc.

Thirteenth Day, Wednesday, February 1st, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1306	Territory of New Mexico,	)	Appeal from District Court, Bernalillo County.
	vs	)	
	Antimo Pettine	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices McFie, Parker, Mechem and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this court came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said Appellant Antimo Pettine, be delivered to the custody of the sheriff of Bernalillo County, until such time as he can conveniently convey him the said Antimo Pettine to the Territorial Penitentiary situated at Santa Fe in the Territory of New Mexico, that he there be delivered to the custody of the Superintendent of the new Mexico Penitentiary to be therein confined for the period of forty-five years, from this date and that commitment issue therefor, and that the said appellant pay the costs of this prosecution for which let execution issue.

No. 1335	M. E. Woodling,	)	Appeal from District Court San Miguel County.
	vs	)	
	Secundino Romero, et al.,	)	
	Defendants in Error,	)	

This cause having been argued by counsel, and submitted to the court upon a former day of the present term, upon the main case and upon the motion of defendants in error, to dismiss the writ of error for failure to print transcript herein, and the court having had the said motion under advisement and being sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices Parker, McFie, Abbott, Mechem, Wright, and Roberts, dismissing the writ of error for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the writ of error herein be and the same hereby is dismissed.

No. 1341	J. H. Kingston, et al.,	)	Appeal from District Court Chaves County.
	vs	)	
	J. W. Walters,	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the

the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Ira A. Abbott, Associate Justices Parker, McFie, Wright and Roberts concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the Judgment of the District Court in and for the county of Chavez whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said John H Kingston and W. D. McHoney appellees herein do have and recover of and from the said J. W. Walters, the sum of Twenty-eight Hundred and 00-100 (\$2800.00) Dollars with interest thereon at the rate of six per cent per annum from the 8th day of December, A.D., 1909 until paid, together with costs in this behalf expended for which let execution issue.

No. 1370
First National Bank of Artesia,)
Appellee,)
vs) Appeal from District Court Eddy County.
The Home Insurance Company of New York, a corporation)
Appellant,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Associate Justices McFie, Parker, Wright, Abbott and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Eddy, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellee herein the First National Bank of Artesia, do have and recover of and from the appellant, The Home Insurance Company of New York, the sum of Nine Hundred and thirteen 50/100 (\$913.50) dollars together with interest thereon at the rate of six per cent per annum from the 24th day of October, A. D., 1910, until paid and the costs of the suit for which let execution issue.

No. 1267
Territory of New Mexico,)
Appellant,)
vs) Appeal from District Court Santa Fe County.
Richard H. Hann,)
Appellee)

No. 1368
Territory of New Mexico)
Appellant,)
vs) Appeal from District Court Santa Fe County.
Thomas W. Hanna,)
Appellee,)

Now comes the Territory of New Mexico by its attorney General, and submits to the court, to be filed in the above entitled causes, a communication addressed to this Court from the district attorney of Santa Fe County, setting forth in substance that the indictments in said causes were found and presented in the court below without his knowledge or consent during his absence from the Territory; that he believes from an examination of the grounds on which they were found that they are not well grounded on the facts in evidence before the grand jury; that

it would be his official duty, if the indictments were sustained by this court, to dismiss the cases in the district court, and that the appeals were taken in his absence and without his consent and ought to be dismissed in furtherance of justice; and the said Territory by its attorney general therefore says it will not further prosecute the said appeals but dismisses the same; It is therefore considered by the court that the said appeals, and each of them, be and they hereby are dismissed.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Fourteenth

Day,

Thursday, February 2nd

A. D.

1911

Fourteenth day, Thursday, February 3rd, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock. A. M.

William H. Dope,
Chief Justice etc.

Fifteenth day, Friday, February 3rd, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

It is ordered that the court do now adjourn until tomorrow afternoon at two o'clock P. M.

William H. Taft

Chief Justice etc.

Sixteenth

Day,

Saturday, February 4th

A. D.

1911

Sixteenth Day, Saturday, February 4th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No.	Solomon Luna		
1055	Plaintiff in Error,	)	
	Cerrillos Coal Railroad Company	)	Error to District Court Santa Fe County.
	Defendant in error,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Abbott, Chief Justice Bope and Associate Justices Parker and Mechem, concurring, Justice Wright, dissenting, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings. It is further considered and adjudged by the court that the plaintiff in error do have and recover of the defendant in error its costs in this behalf expended to be taxed for which let execution issue.

No.	Gallup Electric Light Company,	)	
1217	Appellee,	)	
	vs	)	Appeal from District Court McKinley County.
	Pacific Improvement Company,	)	
	Appellants,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the Court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Clarence J. Roberts, Chief Justice Pope and Associate Justices McFie, Parker, Wright and Mechem concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of McKinley, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded for further proceedings in accordance with the opinion of the Court. It is further ordered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed, for which let execution issue.

No.	S. J. Weaver,		
1291	Appellant,	)	
	vs	)	Appeal from District Court Colfax County.
	A. M. Weaver,	)	
	Appellee,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in

premises, announces its decision by Associate Justice Ira A. Abbott, Chief Justice Pope and associate Justices McFie, Parker, Mechem and Wright, concurring, reversing the judgment of the district court and denying the motion to dismiss the appeal herein, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the motion to dismiss the appeal herein be and the same hereby is denied. It is further considered and adjudged by the court that the judgment of the district court in and for the county of Colfax whence this cause came into this court, be and the same hereby is reversed. It is further ordered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed for which let execution issue.

No. 1333	Frank W. Jones, as Assignee of the Estate)	)	Appeal from District Court, Bernalillo County.
	of Charles Zeiger, insolvent		
	Appellee,		
	vs		
Western Meat Market,	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Edward R. Wright, Chief Justice Pope and Associate Justices McFie, Parker Mechem and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said appellee Frank H. Moore, as assignee of the estate of Charles Zeiger, Insolvent, do have and recover of and from the appellant the Western Meat Company as principals and of and from George L. Brooks and R. J. Wilson, as sureties on the appeal bond the sum of Three thousand three hundred and eighty nine 30/100 Dollars (\$3389.30) with interest thereon at the rate of six per cent per annum from the 8th day of February A.D. 1910 until paid, together with costs in this behalf expended to be taxed for which let execution issue. It is ordered by the court that the motion for damages herein be and the same hereby is denied.

No. 1336	The Atchison, Topeka and Santa Fe Ry. Co.,)	)	Appeal from District Court, Bernalillo County.
	Appellant,		
	vs		
	Jordan Rodgers,		
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices McFie, Parker, Mechem and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file, It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in ac-

Sixteenth *Day*,

Saturday, February 4th

A. D.

1911

cordance therewith, It is considered and adjudged by the court that the said appellee Jordon Rodgers, do have and recover of and from the appellant, The Atchison, Topeka and Santa Fe Rail way Company, the sum of Two Thousand, one Hundred and twnty five dollars (\$2,125.00) as found by the jury, together with interest thereon at the rate of six per cent per annum from 19th day of January A. D., 1910, until paid and together with the sum of Eighty 65/100 (\$80.65) dollars costs of the district court and the costs of this court to be taxed, for which let execution issue.

No.
1343

Territory of New Mexico upon the relation	)	
of the City of Albuquerque	)	
	)	Appellant
	)	vs
O.A. Matson, City Treasurer of the City of	)	Appeal from District Court Bernalillo County.
Albuquerque,	)	
	)	Appellee,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Parker, McFie, and Roberts, concurring, Justice Abbott, dissenting, affirming the judgment of the District Court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the Court that the alternative writ awarded herein be, and it is hereby dismissed and the defendant dismissed hence, without delay and that he recover of and from the appellant his costs in this behalf expended to be taxed, for which let execution issue.

No.
1344

Territory of New Mexico,	)	
	)	Appellant,
	)	vs
Young E. Hurt,	)	Appeal from District Court Lincoln County.
	)	
	)	Appellee,

This cause having been argued by counsel, submitted to and taken under advisement by the court, upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope, and Associate Justices McFie, Abbott, Wright and Roberts, concurring, reversing the judgment of the district court, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings in accordance with the opinion of the court. It is further considered and adjudged by the court that the appellant do have and recover from and of the appellee her costs in this behalf expended for be taxed for which let execution issue.

The Atchison, Topeka and Santa Fe, Railway)
Company, Appellant,)
vs)
Citizens Traction and Power Company)
Appellee,)

No. 1346

No. 1350

This cause having been reargued by counsel, and resubmitted to and retaken under consideration by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Associate Justices Abbott and Roberts, concurring, and Chief Justice Pope and Associate Justice Wright, dissenting, adhering to the judgment of the court as heretofore given, affirming the judgment of the court below. For reasons stated in the opinion of the court ^{on file} below. It is therefore considered and adjudged by the court that the former decision of this court heretofore had and entered is and the same hereby is adhered to and the judgment of the District Court in and for the county of Lincoln stands affirmed as heretofore stated.

No. 1351. Hagerman Irrigation Company
vs J. F. McMurry,
Appellee,)
Appellant,) Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Associate Justices McFie, Parker, Mechem and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant and his agents, servants and every person holding or claiming title through or under the said appellant, J. F. McMurry, be, and they are hereby perpetually restrained and enjoined from trespassing upon or taking possession of the dam or head-gates or any other property of the plaintiff, Hagerman Irrigation Company, in connection with its dams and canals and from diverting any of the water from the canal of plaintiff, or appellee, known as the Northern Canal, or from its ditches or reservoirs and that the plaintiff's title in and to all the water reaching the reservoir of said plaintiff above its dam in the Hondo River, situated in Sec. 31 T. 10 S. R. 25 E., Chaves County, New Mexico, be and the same is hereby quieted and set at rest as against the defendants and all persons holding title under said defendant and that plaintiff have and recover of and from the defendant J.F.McMurry, all its costs in this behalf expended to be taxed by the clerk of this court for which let execution issue.

No. 1352. City of Roswell,
vs Mrs Mary Bell Perkins
Appellee,)
Appellant,) Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justices Abbott, Associate Justices McFie, Parker, Wright and Roberts, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings. It is further ordered by the court that the said appellant do have and recover of and from the appellee, her costs in this behalf expended for which let execution issue.

No. 1354. In the matter of the last will and testa-
 ment of Sarah Ellen Dye, deceased, Isiah }
 Dye, Executory, Appellee, }
 vs } Appeal from District Court Bernalillo County.
 Ora Butler Meece, }
 Appellant, }

This cause coming on before the court upon the motion of appellee, to dismiss the appeal herein, and the said motion having been argued by counsel, submitted to the court and taken under advisement upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justices McFie and Parker, concurring, Associate Justices Wright and Roberts dissenting, denying the motion to dismiss herein. It is therefore considered and adjudged by the court that the motion of appellee herein to dismiss the appeal be, and the same hereby is overruled. It is further ordered by the court that this cause be and the same hereby is set for hearing for March 1st, 1911

No. 1363. The Huston-Hart Lumber Company,)
 Appellant,)
 vs) Appeal from District Court, Curry County.
 Harry Neal et al.,)
 Appellees,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Associate Justices McFie, Parker, Abbott, Mechem and Roberts, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Curry, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to proceed further in accordance with the opinion of this court. It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee its costs in this behalf expended, to be taxed, for which let execution issue.

Now comes the committee heretofore appointed by the court to prepare and present proper resolutions as to the death of Honorable Stephen B. Elkins, and present here to the court the following resolutions, which were ordered spread upon the record of this court and a copy thereof, duly certified be sent to the family of the deceased and to the President of the United States Senate.

STEPHEN B. ELKINS was born at Zanesville, Ohio, September 26, 1841. In his early infancy his father and mother moved with him to Westport, now a part of Kansas City, Missouri, where he was reared to manhood. His primary education was in the public schools. He, while a boy, was a clerk in a mercantile house at Westport. At the age of fifteen he entered the freshman class at Masonic College, in Lexington, Missouri, where he remained two and a half years, and then went to the Missouri University entering the junior class and gradua-

ting on July 4th, 1860, before he had reached twenty years of age. He was the head of the public school in Harrisonville, Mo. during the school year of 1860 and 1861.

Shortly after the outbreak of the Civil War he was made Captain of a company of Enrolled Missouri Militia in the Union service, in which capacity he served until 1863, when he resigned and came to New Mexico, taking up his residence at La Mesilla, in Doña Ana County, when he began the study of law and was admitted to the bar in 1864, in which year he was elected a representative in the New Mexico Legislature, and served during the session of 1864 and 1865, immediately after which he took up his residence and commenced the practice of law at Santa Fe, New Mexico, in January 1867, he was appointed Attorney General of the territory of New Mexico, but soon thereafter resigned that office on being appointed United States Attorney for New Mexico, which office he held for several years, and also resigned the same shortly after General Grant was inaugurated as President. At that time his law practice had become very large and lucrative.

In 1873 he was elected as republican delegate to Congress and again in 1875, while traveling in Europe, and without effort or solicitation on his part, was elected such delegate. He was the member of the Republican National Committee for New Mexico from the time of his first election as Delegate to Congress for a period of about ten years, but resigned upon taking his permanent residence in West Virginia.

Mr Elkins' career, as a lawyer, was eminently successful; he was a good student, active and energetic in preparing his cases and was always ready for trial; he understood his cases and the law applicable to them and always had the facts well in hand. He was aggressive and persuasive before judge and jury and at all times extremely agreeable and pleasant in his manners. He left no one feeling aggrieved by his conduct of cases except his clients' opponents, who, as is almost always the case would naturally feel irritated by their defeat.

When he was elected Delegate to Congress he had accumulated a considerable fortune in New Mexico and was in very easy circumstances. He always made friends and whatever he touched turned to a profit; those who were most bitterly opposed to him, never, after a conversation with him, retained any enmity towards him.

After ceasing to be delegate in Congress he opened an office in New York and engaged in Business connected with mining and other pursuits, in all of which he prospered greatly. In 1875 he married Hallie Davis, a daughter of Hon. Henry C. Davis, then a U. S. Senator from West Virginia. While holding his business office in New York City his attention was drawn to the possibilities of West Virginia, the home of his wife before his marriage, as a place in which to invest, and worthy of his attention. There he acquired considerable coal and timber properties and commenced to develop them, and build railroads with which to remove the outputs. This business grew and expanded and became so profitable that it is believed his wealth reached several millions of dollars at the time of his death.

In whatever Mr Elkins engaged he manifested a great ambition to succeed, his judgment and discretion were always the best, and he had a very large fund of prudence in his makeup. He ceased the practice of law when he was elected a Delegate to Congress, but he was always inclined

to politics, and his ambition lead him to seek preferment in that line. Upon his connecting himself with business in West Virginia he made that State his residence and entered the field of politics there. While he was a member of the Republican National Committee he was made chairman of the Executive Committee and managed the campaign on behalf of James G. Blaine as the Republican Candidate for President in 1884, and always claimed Blaine really carried the State of New York and had been actually elected as President, but had been defrauded in the count of the votes in the city of New York. He received a flattering congratulation from Mr Blaine on the splendid manner in which the campaign had been conducted under his leadership.

In 1891, he was, on the suggestion of Mr. Blain and the urgent solicitation of President Harrison, appointed Secretary of War, which place he held until the end of Harrison's administration, March 4, 1893. In 1895 he was elected and entered on the duties of U. S. Senator from West Virginia, to which position he was twice thereafter elected to succeed himself and continued to hold that office from the date of his first election until the time of his death, January 5th, of this year. As a Senator he looked first after the welfare of his State, he was always attentive to his duties and kept in close touch with the business of the Senate; he served on many committees of importance and early took rank as an able, reliable and useful member of that body. At the time of his death and for several years prior he had been the chairman of the Interstate Commerce Committee, from which emanated the Elkins Act which has received much consideration by the country. As chairman of that Committee he was in charge of the Railroad Rate Bill which received great consideration and was more discussed in the Senate than any act which was ever passed by that body. Every species of attack was made on the bill, innumerable amendments were proposed to it and most of them defeated, but several of them were adopted. It was an administration measure and the President looked to and depended on Elkins to see it through the Senate in good shape. When it finally passed, it was regarded as much improved over the original bill, much of the improvement being due to the able, intelligent and business like manner in which the bill was handled in the Senate by Mr Elkins. This was the last great and crowning act of his official life and he received from all the senators congratulations upon the agreeable, upright and prudent manner in which he had conducted himself and managed the passage of the bill through the Senate - probably more and greater than had ever been accorded to any other Senator.

But this was not the last of his senatorial acts. Very shortly after the passage of the Railroad Rate Bill in the Senate, the bill to enable New Mexico to form a State Government which had passed the House came up in the Senate where an amendment in the nature of a substitute for the House bill, was proposed. Elkins, here, showed his deep interest in behalf of New Mexico, as he had always done. He opposed the amendment and favored the House Bill as being much more beneficial to New Mexico, but the Senate would pass only the substitute. He then went to the House of Representatives and advised all New Mexicans and all the members of the house to agree to the amendment, and not allow it to go to conference, for it

if did it would be there buried and no Statehood bill passed, urging that Statehood under any bill, especially that one, was a thousand times more tolerable than the unnatural condition we occupied in a Territory. His efforts contributed greatly towards the concurrence in the Amendment of the Senate and assured to New Mexico what Statehood which he, while a delegate to Congress, had very nearly succeeded in getting.

During his service as a member of the United States Senate. Mr. Elkins never lost sight of New Mexico and her people. Whenever it was in his power to aid or assist this Territory or any of its citizens he was always prompt in taking hold and doing what he could in that line. No one from New Mexico ever applied to him for assistance without getting it. He never did anything or suffered anything to be done which was a detriment to New Mexico or her people. He was as true and loyal to us as he was to his adopted State of West Virginia. In his death New Mexico has lost her greatest and best friend, which loss her people greatly deplore. He looked after the welfare of his relations. He was true and constant friend, a kind and generous father a loving and devoted husband, and loyal and patriotic to his country at all times. We sympathize with his family in their great loss and mourn with them in their sad bereavement.

Thomas B. Catron

Chairman

George W. Prichard

Frank W. Clancy.

No.	Territory of New Mexico,	)	
1320	vs	)	Appeal from District Court Bernalillo County.
	Jack Donahue alias John Donahue	)	
	Appellant,	)	

This cause coming on before the court upon the motion of appellee herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised denies the same. It is therefore considered and adjudged by the court that the motion of appellee for a rehearing herein be and the same hereby is denied.

It is ordered that the Court do now adjourn until Wednesday Morning, March 1st, at ten A.M.

William H. Pape,

Chief Justice etc.

Seventeenth Day, Wednesday March 1st, A. D., 1911

Court met pursuant to adjournment.

Present: Honorable William H. Pope, Chief Justice
 Honorable John R. McFie, Associate Justice
 Honorable Frank W. Parker, Associate Justice
 Honorable Ira A. Abbott, Associate Justice
 Honorable Merritt C. Mechem, Associate Justice
 Honorable Edward R. Wright, Associate Justice
 Honorable Clarence J. Roberts
 Frank W. Olney, Attorney General
 C. M. Foraker, By C. F. Abreu, Deputy
 Jose D. Sena, Clerk.

Record of Saturday's February 4th, proceedings were read and approved.

It is ordered by the court that Charles F. Abreu and Robert Willison be and they are hereby appointed Crier and Bailiff respectively for the present session of the court and they appeared in open court and were duly sworn as such.

No. 1283 J. W. Price,)
 vs Appellant,)
 The Pecos Valley & Northeastern Ry Co.,) Appeal from District Court Chaves County.
 Appellees,)

This cause coming on before the court upon the motion of appellants for a statement of facts herein upon appeal to the Supreme Court of the United States, the same is argued by C. R. Brice, Esq. for Appellant, and submitted on Brief for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1358 Territory of New Mexico,)
 vs Appellee,)
 Malcon Trapp) Appeal from District Court Lincoln County.
 Appellant,)

This cause coming on for hearing upon the stipulation of counsel for further time within which to file briefs herein, and the court being sufficiently advised grants the time as stated in the stipulation on file. It is therefore considered and adjudged by the Court that the appellant do have until the 1st day of May, and that the appellee do have thirty days thereafter within which to file briefs in the above entitled cause.

No. 1350 S. T. Gray, and Robert Brady, Appellants,)
 vs Robert H. Taylor, et al., Appellees,)
 Appeal from District Court Lincoln County.

Now Comes T. B. Catron, Esq., attorney for appellants in the above entitled cause, and moves the court for statement of facts herein on appeal to the Supreme Court of the United States, and prays an appeal from the judgment of this Court to the Supreme Court of the United States. It is therefore considered and adjudged by the court that the appellant herein be and they hereby are granted an appeal from the judgment and decision of this court to the Supreme Court of the United States.

No. 1354 In the matter of the last will and testament) of Sarah Ellen Dye, deceased, Isaac Dye, Ex-ecutor, Appellee,)
 vs Ora Butler Meece, A Appellant,)
 Appeal from District Court, Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors, and briefs of counsel, the same is by the order of the court submitted to the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1283 J. W. Price, Appellant,)
 vs The Pecos Valley & Northeastern Ry Co., Appellee,)
 Appeal from District Court, Chaves County.

Now comes C. R. Brice, and moves the court for leave to withdraw the motion for a statement of facts filed herein and submitted to the court, and the court being sufficiently advised in the premises grants the said leave. It is therefore considered and adjudged that the Appellant herein be and hereby is allowed to withdraw the motion for statement of facts herein.

Now comes the Board of Bar examiners and reports here to the court that they find Messrs W.C. Alexander, Jr and J. D. Mell, proper and suitable persons for admission on to the Bar of this court and upon the motion of W. J. Lucas, It is considered and adjudged by the court that Messrs W.C. Alexander, Jr and J. D. Mell, be and they hereby are admitted as attorneys solicitors and counsellors of this upors, upon the signing the roll and taking the oath of office. And the above named persons having appeared before the Board of Bar Examiners at Roswell New Mexico, on the 21st day of February, and signed the roll and taken the oath of office, The clerk of this court hereby is directed to issue to the said W. C. Alexander Jr and J. D. Mell, a proper certificate of admission to the bar of this court. M. M. Roberts having been previously admitted by this court likewise signed the roll and took the oath of office at Roswell New Mexico on the 21st day of February A. D., 1911.

It is ordered by the court that the temporary licenses of George H. Peet and Taylor Comins be and the same here by are extended until the next regular session of this court, in accordance with the recommendations of the Board of Bar examiners.

Eighteenth day, Thursday, March, 2nd, A.D., 1911

Court met pursuant to adjournment.

present as upon yesterday

Record of yesterday's proceedings were read and approved.

No. 1322	Jay Turley, et al.,	Plaintiffs in Error,	)	
		vs	)	Appeal from District Court, San Juan County.
	L. B. Furnam, et al.,	Defendants in error,	)	

This cause again coming on before the court upon the transcript of record, briefs of counsel and assignment of errors, and Judge Clarence J. Roberts having come upon the bench since the submission of this cause, by agreement of counsel for both parties, It is ordered by the court that the Honorable Clarence J. Roberts shall participate in this case upon the briefs herein and the cause is hereby re-submitted to the court as now constituted, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
Chief Justice etc.

Nineteenth Day, Friday, March, 3rd, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1360

The Community Ditch of Acequia of Tularosa, a corporation, Appellant,)
vs
The Tularosa Community Ditch, et al., Appellees,)

Appeal from District Court Otero County.

This cause having been argued by counsel and submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its Decision by Associate Justice Wright, Chief Justice Pope, and Associate Justices McFie, Abbott, Mechem and Roberts, concurring, reversing the judgment of the court below, and remanding this cause to the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Otero, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to proceed further in accordance with this opinion. It is further considered and adjudged by the court that the appellant do have and recover of and from the appellees its costs in this behalf expended, for which let execution issue.

No. 1364

Territory of New Mexico, Appellee,)
vs
Lizzie McGrath, Appellant,)

Appeal from District Court, Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court at a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justices McFie, Wright, and Roberts concurring, Associate Justice Parker, Dissenting affirming the decision of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the appellant Lizzie McGrath, pay unto the Territory of New Mexico the sum of One Hundred dollars, together with the costs of this court as well as the court below, to be taxed, for which let execution issue.

It is ordered that the court do now adjourn until tomorrow afternoon at three o'clock P.M.

William H. Pope

Chief Justice etc.

Twentieth

Day,

Saturday, March, 4th

A. Q.

1911

Twentieth Day, Saturday, March 4th, A. D., 1911

Court met pursuant to adjournment.

Record of yesterday's proceeding is read and approved
present as upon yesterday.

No. J. L. House,
1277 vs Appellee,
3 W. H. Hiltson, Appellant,
Appeal from District Court Curry County.

This cause again coming on before the court upon the motion of appellee for judgment against the sureties on the appeal bond, and the court being sufficiently advised in the premises grant the said motion. It is therefore considered and adjudged by the court that J. L. House, do have and recover of and from the appellant W. H. Hittson, as principal, and T. M. Davenport and Felix Herbert, as sureties the sum of two hundred dollars damages together with interest thereon from the 30th day of March, A. D., 1910 until paid, at the rate of six per cent per annum together with his costs in this behalf expended to be taxed for which let execution issue.

No. Henry Lockhart,
1218 vs Appellee,
The Washington Gold and Silver Mining Co.,
et al., Appellants

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Appeal from District Court, Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises by Associate Justice Parker, Chief Justice Pope, and Associate Justices Morie, Wright, and Lechem, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court ^{while} ~~below~~, It is therefore considered and adjudged by the court that the appellee, Henry Lockhart, was and now is the equitable owner of said vein and surface ground and mining claim and the gold and silver ores therein contained, and is equitably entitled as against the said defendants to the possession and enjoyment of the same; that said Pilkey, under said agreement with plaintiff and said Benjamin Johnson, forfeited all right or interest in said vein and surface ground and mine, by reason of his participation in said fraudulent conspiracy, and that plaintiff is the owner of, and equitably entitled to, such interest; and that said defendant acquired and hold the possession of, and the legal title to, the same under the name and designation of the Washington Mine, in fraud of the rights of the plaintiff therein and thereto, and that they are equitably the holders of such possession and legal title as trustees, ex maleficio for the use and benefit of said plaintiff;

And it is by the Court further ordered, adjudged and decreed that the said defendants the Washington Gold and Silver Mining Company, by its proper officers, and in due form, and the said H. P. Stamma, in due form, execute a good and sufficient conveyance of the said Washington Mine and mining claim to the said plaintiff Henry Lockhart, and return the same into this Court within sixty days from the signing of this decree, to be approved by the court and delivered to said plaintiff; and that said last named defendants, upon the delivery of said deed to said

plaintiff, deliver also to the said plaintiff possession of said Washington Mine and mining claim; and in case of the failure of said defendants to execute said deed of conveyance, as herein ordered, then and in that event John Venable, former Clerk of the district Court, is hereby appointed commissioner of this Court for the purpose of executing such deed of conveyance vesting legal title of and to said Washington Mine, by virtue of this decree in said plaintiff Henry Lockhart; the said John Venable, Esq., Commissioner as aforesaid, is directed and empowered to execute such deed of conveyance and return the same into Court to be approved as to form and sufficiency.

It is further ordered, adjudged and decreed, that the plaintiff have and recover of and from said defendants, the Washington Gold and Silver Mining Company and M. P. Stamm, his costs in this behalf expended to be taxed by the Clerk of this Court, and that he have execution therefor, and it is further ordered that a writ of possession issue in favor of said plaintiff and against said defendant the Washington Gold and Silver Mining Company and M. P. Stamm.

No. 1306	Territory of New Mexico,	)	) Appeal from District Court Bernalillo County.
		)	
	Appellee,	)	
	vs	)	
	Antimo Pettine,	)	
		)	
	Appellant,	)	

This cause having come before the court upon the motion of appellant for a rehearing and the court having had said motion under advisement, and being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope, and Associate Justices Parker, McFie, Mechem and Roberts, concurring adhering to the former opinion of this court and denying the motion for rehearing, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the former decision of this court hereby is adhered to and the motion for a rehearing herein be and the same hereby is denied.

No. 1322	Jay Turley, et al.,	)	) Appeal from District Court, San Juan County.
	Plaintiff in error,	)	
	vs	)	
		)	
	L. B. Furman, et al.,	)	
	Defendants in error,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justice Roberts, concurring, Associate Justices Parker, Wright and Mechem dissenting, Justice McFie having filed his reasons for his decision in the court below, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of San Juan, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the action of the Territorial Engineer of the Territory of New Mexico, in approving the application of, and granting to, Jay

Twentieth

Day,

Saturday, March 4th

A. D.

1911

Turley, a permit to divert waters in the State of Colorado for application to lands in the Territory of New Mexico, and the decision of the Board of Water Commissioners of said territory sustaining such action, be and the same hereby is reversed and overruled for want of jurisdiction in said officers to approve, grant and sustain said application and permit, respectively; It is ordered by the court that the costs of this cause be and the same hereby are adjudged against the plaintiff in error and that execution may issue.

No. 1347
Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court Socorro County.
Daniel Archuleta,)
Appellant,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Abbott, Chief Justice Pope, and Associate Justices Parker, McFie and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Socorro whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said appellant Daniel Archuleta be remanded to the custody of the sheriff of Socorro County New Mexico, to be by him safely kept until such time as he, the sheriff, can conveniently convey the said Daniel Archuleta to the City of Santa Fe, in the Territory of New Mexico and that he, the sheriff then and there deliver him the said Daniel Archuleta, to the superintendent of the Territorial Penitentiary, or to his duly authorized agent, and that the said superintendent confine the said Daniel Archuleta in said Territorial penitentiary for a term of not less than fifteen years not more than twenty years from and after this date. and that he pay the costs of this prosecution for which let execution issue

No. 1365
Territory of N. M. Ex Rel. George S. Klock)
Appellant,)
vs) Appeal from District Court, Bernalillo County.
Edward A. Mann,)
Appellee,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Chief Justice Pope, Associate Justices McFie, Abbott, Wright and Roberts, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed. It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee, his costs in this behalf expended to be taxed by the clerk of this court, for which let execution issue.

No. 1055 Solomon Luna, Plaintiff in error,)
 vs) Error to District Court Santa Fe County.
 Carrillos Coal Railroad Company,)
 Defendant in error,)

This cause coming on before the court upon the motion of defendant in error herein for a rehearing herein, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein be and the same hereby is denied.

No. 1217 The Gallup Electric Light Co.,)
 Appellee,)
 vs) Appeal from District Court McKinley County.
 Pacific Improvement Company, et al,)
 Appellants,)

This cause coming on before the court upon the motion of appellee for a rehearing herein and the court having had said motion under advisement and being now sufficiently advised in the premises, denies the said motion. It is therefore considered and adjudged that the motion of appellee herein for a rehearing be and the same hereby is denied.

No. 1333 Frank H. Moore, as assignee of the Estate)
 of Charles Zeiger, insolvent)
 Appellee,)
 vs) Appeal from District Court Bernalillo County.
 Western Meat Market,)
 Appellant,)

This cause coming on before the court upon the motion of appellant herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for rehearing of appellant herein be and the same hereby is denied.

No. 1351 Hagerman Irrigation Company)
 Appellee,)
 vs) Appeal from District Court Chaves County.
 J. F. McMurry,)
 Appellant,)

This cause having come before the court upon the motion of appellant herein for a rehearing and the court having had the said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

No. 1370 First National Bank of Artesia,)
 Appellee,)
 vs) Appeal from District Court Eddy County.
 The Home Insurance Company of New York)
 Appellant,)

This cause coming on before the court upon the motion of appellant for a rehearing herein, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

No.
1350

S. T. Gray, et al.,

Appellants

vs

Robert H. Taylor, et al.,

Appellees,

) Appeal from District Court Lincoln County.

Nos comes T. B. Catron, Esq, attorney for appelleants herein and having heretofore prayed an appeal to the Supreme Court of the United States moves the court for a supercedeas and to fix the amount of bond on supercedeas, and the court being sufficiently advised in the premises fixes the bond in the sum of five thousand dollars conditioned as required by law.

No.
1306

Territory of New Mexico,

Appellee,

vs

Antimo Pettine,

Appellant,

) Appeal from District Court Bernalillo County.

Now comes T. B. Catron esq. Att rney for Appellant in the above entitled cause and moves the court for a stay of execution pending his suing out of a writ of error to the United States Circuit Court of appeals and prays the court to indicate the amount of supercedeas bond required It is therefore considered and adjudged by the court that execution and commitment hereby are stayed and that the appellant shall furnish a supercedeas Bond in the sum of twenty thousand dollars.

No.
1384

George W. Bond, et al.,

Appellants

vs

Unknown Heirs of Juan Barela, deceased, et al

Appellees,

) Appeal from District Court Socorro County.

Now come the parties in the above entitled cause, by their attorneys and move to the court to be allowed to submit this cause upon the briefs during vacation upon the filing of stipulation of counsel, and the court being sufficiently advised in the premises It is therefore considered and adjudged by the court that if counsel shall file in vacation a stipulation to the effect submitting this cause on briefs the same shall be submitted on briefs and taken under advisement.

No.
1350

S. T. Gray, and Robert Brady,

Appellants,

vs

Robert H. Taylor, et al.,

Appellees,

) Appeal from District Court Lincoln County

On motion of the plaintiffs and appellants, in the above entitled cause, for this court to make a statement of the facts of the case in the matter of a special verdict, this Supreme Court of the Territory of New Mexico makes the following statement of facts in the above entitled cause in the nature of a special verdict to be used on appeal instead of the evidence at large in the Supreme Court of the United States.

The original Copy of Chapter 80, as printed in the official copy of the laws of the New Mexico Legislature of 1909, is the original council bill No. 86 as it passed both Houses of the Legislature, and contains the original endorsements thereon made by the Chief Clerk of each House of the Legislature, and is in words and figures following to-wit:

*AN ACT RELATING TO THE CHANGING OF COUNTY SEATS..

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That Chapter 119 of the Session Laws of the legislative assembly for the year 1905, approved March 16th, 1905, be, and the same is hereby repealed.

Section 2. That Section 630 of the Compiled Laws of the Territory of New Mexico of 1897, be, and the same is, hereby amended so as to read as follows:--

Sec. 630. Whenever the citizens of any county in this Territory shall present a petition to the Board of County Commissioners, signed by qualified electors of said County, equal in number to at least one-half of the legal votes cast at the last preceding general election in said County, asking for the removal of the County seat of said County to some other designated place, which petition shall be duly recorded in the records of said county, said board shall make an order directing that the proposition to remove the county seat to the place named in the petition, be submitted to a vote of the qualified electors of said County at the next general election, if the same is to occur within one year of the time of the presenting of said petition, otherwise at a special election to be called for that purpose at any time within two months of the date of presenting said petition: PROVIDED:-- That whenever it is proposed to remove a county seat of any County which has public buildings consisting of a court house and jail, the original construction of which cost said county more than the sum of THIRTY THOUSAND DOLLARS (\$30,000), such cost to be ascertained from the records of the Board of County Commissioners of said County, then before said Board of Commissioners shall make such order so submitting such proposition to remove the county seat, to the qualified voters of said county a deposit of forty thousand dollars in money, which said deposit shall be placed in Treasury of said County, which said sum of money when so placed in said Treasury shall be used in the construction of a court house and jail in the event that the proposition for the removal shall receive a majority of the votes cast at such election, but such deposit shall not be required as a condition precedent of submitting such proposition for the removal in Counties which have no court house and jails, the cost to the County of which, as ascertained from the records of said county Commissioners, is less than said sum of Thirty Thousand Dollars (\$30,000) as aforesaid; but the same shall be required in all cases when it is proposed to remove a county seat from a point situated on a railroad to another point also so situated; provided further:--, that the City, town, village or place named in the petition to which it is proposed to remove such county seat shall be at least twenty miles distant from the then county seat of said county and said petitioners or persons interested in the removal of said county seat shall cause to be conveyed to said county, by a good and perfect title, in the event that the proposition for the removal shall receive a majority of the votes cast at such election sufficient suitable land to be accepted, if containing as much as three-fourths of an acre of court house, jail and other buildings, for such county, the deed for which shall be filed with and accepted by the Board of County Commissioners before calling said election, which deed to be delivered

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to the grantor therein named in case said proposition to remove said county seat fails to receive a majority of the votes cast at such election, and that no proposition to remove a county seat from a city, town, village or place, situated on a railroad, to one not so situated, shall be entertained or voted upon, and that no vote shall be ordered on substantially the same proposition more than once in ten years.

Section. 3. This act shall be in force and effect from and after this passage, and all acts and parts of acts in conflict herewith are hereby repealed." That said act was introduced in the Legislature in the Council thereof in the 17th day of February, 1909, as a bill entitled "An Act relating to the changing on county seats", and has endorsed thereon the following in words and figures, to-wit:--"Chap 80. 38th. Legislative Assembly. Council Bill NO. 86. Introduced by Navarro, 17 day of Feb., 1909. An Act entitled an Act Relating to the changing of county seats. Read first time, read second time, ordered printed, and referred to committee on Co. and CO Lines. Delivered to translator,----- 1909. Delivered to printer ----- 2/ 17/ 1909. Returned by Printer Feb. 23rd, 1909. 1909. Reported to Council by Committee on the 24th day of Feb. 1909. With recommendation that it be amended, reported and amendments adopted and bill taken up for consideration, read third time preparatory to its passage. placed on its passage and duly passed.

(Signed)

William F Brogan,

Chief Clerk Council.

3/ 11 Read. Read third time in preparation to its passage; placed upon its passage and duly passed.

(Signed)

E. H. Salazar,

Chief Clerk House,

Received from H. as duly passed and properly enrolled and engrossed.

(Signed)

William F. Brogan,

Chief Clerk Council.

Com. on Finance. 3/3 Read first and second time by title and referred to the Committee on Finance. Del to Com 3/4-- Filed in office of Secretary of New Mexico, Mar. 18th, 1909, 3. P. M

Nathan Jaffa, Secretary.

Compared C. R. K. to J. O. "

The printed Journals of the Council and House of Representatives of that Legislature showed that the said bill numbered 86 passed through the said council and the said House, as indicated by said endorsements; but they do not show that it was ever enrolled or ever signed by the Speaker of the House or the President of the Council. The original bill numbered 86, as it passed the House and Council, being the same document which was used and filed in the office of the Secretary of the Territory at 3 o'clock P. M. March 18th, 1909, and is the only document filed in said office representing Chapter 80 of the Session Laws of that Legislative Assembly. The said bill filed as said Act does not have the signature or approval of the Governor affixed thereto, nor does it have the signature of the Speaker of the House or the President of the Council affixed or attached thereto.

The Council and House of Representatives of the said Legislature of 1909 each adopted

rules in regard to the transaction of business before them. These rule were introduced in evidence. Rule 9 of the Council provides as follows:-

"9. All acts, addressed and joint resolutions shall be signed by the President." Rule 5 of the House Of Representatives provides as follows:

"5. The Speaker shall sign all bills that may be passed over the Governor's veto, with the date of the passgae."

There is no evidence showing when Council Bill 86 reached the hands of the Governor, but there appears in the journal of the Council of that Legislature a message from the Governor, which was received and entered in that journal on the 18th day of March, 1909, in the following words and figures:-

"Message No. 51, Territory of New Mexico, Office of the Executive, Santa Fe New Mexico, March 18th, 1909. Honorable Charles A. Spiess, President and Members of the Council, 38th Legislative Assembly of New Mexico, Gentlemen: I have the honor to inform you that I have this day allowed Council Bill No. 86, 'An Act entitled an act relating to the changing of County seats' to become a law by limitations. I am, gentlemen, respectfully, yours,

George Curry, Governor of New Mexico

This message is the only evidence that said Council Bill No. 86 ever reached the hands of the Governor. On July 6th, 1909, a petition was presented to the Board of County Commissioners of Lincoln County in the words and figures following; to-wit:- "County Seat Petition. To the Honorable Board of County Commissioners of Lincoln County, Territory of New Mexico: We, the undersigned qualified electors of the County of Lincoln, in the Territory of New Mexico respectfully petition you to call an election and submitted to a vote of the qualified electors of said Lincoln County the proposition to remove the county seat of said Lincoln County to Carizozo, a town situated on the El Paso & Southwestern Railroad".

Said petition was signed by qualified electors of Lincoln County, equal in number to at least one-half of the legal votes cast at the last preceding general election in the said county; that solely on and pursuant to said petition and its prayers, and for no other reason, the said Board by a majority thereof made an order on the 7th day of July, 1909, calling an election, as prayed for in said petition, reciting that a proper piece of land in the town of Carizozo had been conveyed to the said county for said court house, which was accepted, they then by said order provided, in words and figures following: "Now, therefore, in pursuance of the prayers in said petition and in accordance with the facts so found, and with the statutes in such case made and provided, it is hereby ordered and directed that an election of the qualified electors be held in each of the precincts of said Lincoln County on the 17th day of August 1909, and at said election the tickets voted shall contain "For County Seat", with the name of the place with which the voter desires to cast his ballot, either printed or written thereon; such ballot shall be canvassed as an election for county officers and the returns of such election shall be certified by the Probate Clerk to the Territorial Secretary, together with a certified copy of the order of the County Commissioners and a sworn certificate of the publication

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thereof to be filed in the office of the Secretary". No registration of voters to vote at said election was ordered to be had or had prior to the said election. An election, as provided for by said call, was held on the 17th day of August, 1909, in said county, without any of the voters voting at said election having been registered thereof; at which election a total of 1513 votes were cast, 900 being for Carrizozo and 613 for Lincoln, being a majority of 287 votes for Carrizozo. After the declaration of the result of said vote and election and before the commencement of this suit, said Board of County Commissioners made an order for the issue and sale of \$28,000 of bonds of the said County of Lincoln for the purpose of raising money to construct a new court house at Carrizozo, as the county seat of said county, which were issued and disposed at par and the money arising therefrom placed in the treasury of the county. The said Board of County Commissioners thereafter and before the commencement of this suit secured buildings at the said town of Carrizozo which they deemed convenient, and thereafter the courts of said county, including the district courts, Probate courts, and Board of County Commissioners were held therein. And after the said election and before the commencement of this suit the said Board of County Commissioners entered into a contract with the defendant, Ben Betzhel, to construct the said court house and jail for said county of Carrizozo, who immediately entered into the performance of said contract and has partially constructed the said court house and jail at Carrizozo, and the said Board of County Commissioners have paid to him a considerable portion of the amount of the contract price for the construction of the said court house and jail, but not all of it. And at the said Board of County Commissioners give out and declare that it is their purpose to go on with the construction of the said court house and jail and complete the same at Carrizozo and pay the said Ben Betzhel therefor the full amount of his contract price therefor. The foregoing statement of facts has been agreed upon as a correct statement of facts to be found by the Supreme Court in the nature of a special verdict, for use on appeal in the Supreme Court of the United States.

George B. Barber.,

T. B. Catron.,

Attorneys for plaintiff.

Hewitt & Hudspeth.,

of counsel for defendants.

It is ordered that the court do now adjourn until the first day of June, A.D. 1911 at two o'clock P. M.

William H. Pope

Chief Justice etc.

A. D.

No⁷ 880 A. Starus,
 vs
W. L. Foxworth, Esq

Appellant,

Appellee,

)
)
)
)
)
)

A ppeal from District Court Quay County.

William H. Pope,

Chief Justice

ThURsday June 11st

A.D., 1911.

It is ordered that the January Term, 1911 of this Court stand adjourned, to Tuesday, August 15 A. D., 1911 at two o'clock P. M.

(Signed)

William H. Poppe,

Chief Justice, etc.

William H. Pope
Chief Justice

Day,

Saturday July, 1st,

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Now comes the Honorable John R. McFie, Associate Justice of the Supreme Court of the Territory of New Mexico and presents here at the office of the Clerk of the Supreme Court of the said Territory his commission and oath of office as Associate Justice of the said Supreme Court of New Mexico which said commission and oath of office are in the following words and figures to wit:-

W I L L I A M H O W A R D T A F T ;

P R E S I D E N T O F T H E U N I T E D S T A T E S O F A M E R I C A .

T O A L L W H O S H A L L S E E T H E S E P R E S E N T S G R E E T I N G

K N O W Y E ; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of John R. McFie, of New Mexico, I have nominated, and by and with the advise and consent of the Senate, do Appoint him, Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers privileges and emoluments to the same appertaining, unto Him, the said John R. McFie, for the term of four years commencing with the date hereof, subject to the provisions of law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

(S E A L)

Given under my hand at the City of Washington the twentieth day of June in the year of our Lord one thousand nine Hundred and eleven and of the Independence of the United States of America the one hundred and thirty fifth

By the President

W m H . T A F T

Geo W. Wickersham

Attorney General

OATH OF OFFICE FOR UNITED STATES JUDGES

I, John R. McFie, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of New Mexico according to the best of my abilities and understanding, agreeable to the Constitution and laws of the United States; and that I will support and defend the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of

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office on which I am about to enter So Help Me God.

(Signed)

John R. McFie.

Subscribed and sworn to before me this First day of July, A.D., 1911

(Signed)

Edwin F. Coard

My Commission expires July 15th, 1913

Notary Public

Territory of New Mexico)

County of Santa Fe)

) ssd

I, George W. Armijo, Clerk of the Probate Court of Santa Fe County, which is a court of record, having a seal, and Ex-officio Recorder and Clerk of the said County, do hereby certify that Edwin F. Coard, whose name is subscribed to the annexed oath of office of John R. McFie, as Associate Justice of the Supreme Court of the Territory of New Mexico, was at the time of administering the said oath a duly qualified and acting Notary Public in and for the County of Santa Fe, territory of New Mexico, and duly authorized to administer the same. And further that I am well acquainted with the handwriting of the said Edwin F. Coard and verily believe that the signature to said certificate of oath is Genuine

In testimony Whereof, I have hereunto set my hand and affixed the seal of the said Court at Santa Fe this 1st day of July, A. D., 1911

(Signed)

George W. Armijo,

Probate Clerk and Ex-officio Recorder Santa Fe
County Territory of New Mexico

Twenty-Second Day, Tuesday, August 15th, A. D., 1911

Court met pursuant to adjournment:

Present, Honorable William H. Pope, Chief Justice

Honorable, John R. McFie, Associate Justice

Honorable Frank W. Parker, Associate Justice,

Honorable Ira A. Abbott, Associate Justice

Honorable Merritt C. Mechem, Associate Justice

Honorable Edward R. Wright, Associate Justice

Honorable Clarence J. Roberts, Associate Justice

David J. Leahy, United States Attorney;

Frank W. Clancy, Attorney General,

C. M. Foraker, United States Marshal, by J. L. Smith, Deputy

Jose D. Sena, Clerk.

Record of March 4th and June 1st proceedings were read and approved

It is ordered by the court that Pancracio ^{and Robert D. Willison} ~~he~~ ^{he and they} hereby ~~are~~ appointed as Bailiff for the present session of this court, whereupon ~~they~~ appeared in open court and ~~were~~ duly sworn as such.

On motion of Edward L. Medler, Esq., it is ordered by the Court that W. R. Reber, Esq., a member of the Bar of the Third Judicial District Court of the Territory of New Mexico, be and he hereby is admitted to practice as an attorney, solicitor and counselor of this Court, and he thereupon appeared in open court and was duly sworn and subscribed to the roll, and the Clerk of this court is hereby directed to issue to the said W. R. Reber, Esq. a proper certificate of admission.

No. 1388	Tina Haffner Retsch,	)	
	vs	)	
	A. B. Renehan,	)	Appellee,
		)	Appeal from District Court, Santa Fe County.
		)	
		)	Appellant,

On Motion of Edward A. Mann, for leave of the court to be permitted to withdraw as Attor, ney for the appellee in the above entitled cause, It is ordered by the Court that leave be and the same hereby is granded to Edward A. Mann, Esq to withdraw his appearance as attorney for appellee in the above entitled cause.

No. 1404	Territory of New Mexico,	)	
	vs	)	
	Juan Jose Gallegos,	)	Appellee,
		)	Appeal from District Court Socorro County.
		)	
		)	Appellant,

Now comes the Honorable Frank W. Clancy, Attorney General for the Territory of New Mexico and moves the court to docket the above entitled court and affirm the Judgment of the Court below for failure of the appellant to perfect his said appeal, and for a forfeiture of the appeal bond herein, and the court being sufficiently advised in the premises, grants the said

motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered Docketed, that the judgment of the District Court be and the same hereby is affirmed, and that in accordance therewith, It is considered by the Court that the said defendant Juan Jose Gallegos, be remanded to the custody of the Sheriff of Socorro County New Mexico, to be by him safely kept until such time as he, the said Sheriff, can conveniently convey the said Juan Jose Gallegos to the City of Santa Fe, in the Territory of New Mexico and that he, the said Sheriff, then and there deliver him, the said Juan Jose Gallegos to the Superintendent of the Territorial Penitentiary, located at said City in said Territory, or to his duly authorized agent, and that the said Superintendent confine the said Juan Jose Gallegos in said territorial Penitentiary, at hard labor for a term of not less than one year nor more than three years from and after this date. And It is the further judgment and sentence of the Court that the said defendant Juan Jose Gallegos do pay to the Territory of New Mexico a fine in the penal sum of Five Hundred (\$500) dollars, together with the costs of this prosecution to be taxed and that he stand committed until such fine and costs are fully paid.

It is further ordered by the Court that the Principals and sureties in the Supercadeas Bond herein, be thrice called in open Court, and they having been three times solemnly called, and no response made, It is ordered by the court that the appeal bond herein be and the same hereby is forfeited

No. 1427	Territory of New Mexico,	)	Appeal from District Court, Chaves County.
		)	
	vs	)	
	V. C. Musgrave,	)	
	Appellant,	)	

Now comes F. W. Clancy, esq. Attorney General for the Territory of New Mexico and moves the Court to Docket the above entitled cause and to affirm the judgment of the court below for reason of the failure of the appellant to perfect his said appeal, and the court being sufficiently advised in the premises, grants the said motion: It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered placed upon the Docket of this Court and that the judgment of the District Court in and for the County of Chaves be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said appellant V. C. Musgrave, be imprisoned in the Territorial Penitentiary at Santa Fe, for a term of not less than four years and not more than five years, and that he pay the costs of this prosecution, and that commitment and execution issue therefore.

No. 1287	United States of America,	)	Appeal from Fifth Judicial District Court
		)	
	vs	)	
	Carl Adamson,	)	
	Appellant,	)	

Now comes David J. Leahy, United States Attorney for New Mexico, and presents here to the Court the mandate from the Circuit Court of Appeals for the eighth Circuit dismissing

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the writ of error therein in the above entitled cause and remanding said court to this court for further proceedings in accordance with the Law. and the court upon the motion of the said David J. Leahy, sets the resentencing of the said Carl Adamson Appellant herein for Monday the 21st day of August A.D., 1911

Now comes the Board of Bar Examiners, and reports hereto the Court that they find Messrs Alexander McDonnell, Daniel V. Hoppe, S.D. Stennis Jr, Hubert W. Clark, Findaly Howard, William A. Palmer, James M. Dillard, Chester D. Cleveland, J. A. Lowe, David W. Wood, Harold Pierce and F. T. Cheetham, proper and suitable persons to be admitted to the bar of this Court, and upon the motion of William J. Lucas, Esq. It is ordered that Messrs Alexander McDonnell, Daniel V. Hoppe, S. D. Stennis, Jr, Hubert W. Clark, Findlay Howard, William A. Palmer, James M. Dillard, Chester D. Cleveland, J. A. Lowe, David W. Wood, Harold Pierce and F. T. Cheetham, be and they hereby are admitted as attorneys solicitors and counselors of this court upon their signing the roll and taking the oath of office. and the clerk of this court hereby is directed to issue to the said named gentlemen, proper certificates of admission. Whereupon Alexander McDonnell, S. D. Stennis Jr, Daniel V. Hoppe, Findlay Howard, William A. Palmer, James M. Dillard, Chester D. Cleveland and Harold Pierce appeared in open court and were duly sworn and subscribed to the roll.

It is further ordered by the court that Hubert W. Clark, J.A. Lowe, David W. Wood and F. T. Cheetham, be and they hereby are given until the first day of January to appear and sign the roll and take the oath of office.

No.	John H. McKnight, A	)	
	Appellee,	)	
1403	vs.	)	Appeal from District Court Dona Ana County.
	El Paso Brick Company, a corporation,	)	
	Appellant,	)	

Now Comes Edward C. Wade, and moves the Court to admit Mr Ives a member of the Bar of the Supreme Court of the Territory of Arizona in good standing for the purposes of this court, and the Court being sufficiently advised in the premises, It is therefore considered and adjudged that Mr Ives a member in good standing of the Supreme Court of the Territory of Arizona, be and he hereby is admitted to the bar of this court for the purposes of this cause.

No.	Mary R. Hamilton, et al.,	)	
	Appellees	)	
1177	vs	)	Appeal from District Court Lincoln County.
	Eagle Mining and Improvement Company	)	
	Appellant,	)	
No.	H.B. Hamilton, Adm. etc. et al?	)	
	Appellees,	)	
1178	vs	)	Appeal from District Court, Lincoln County.
	Eagle Mining and Improvement Company,	)	
	Appellant,	)	

This cause coming on for hearing upon the report of A.H. Hudspeth, Esq., appointed Special Master under a judgment of this court, rendered on the fifth day of January A.D., 1911, whereby the said Eagle Mining and Improvement Company was ordered to pay the said appellees the sum of

Fourteen Thousand Nine Hundred Eighty Six and 19/100 Dollars (\$14,986.19), with interest thereon at the rate of six per cent per annum from date until paid, together with costs of suit taxed at Two Hundred Eleven and 75/100 Dollars (\$211.75), within three months from the date of said decree, and in default of payment, being made within the time therein specified, said Special Master was ordered to sell at public auction the following described property, to-wit:

An undivided one-half interest in the Hopeful Lode mining claim and mill site, being designated by mineral certificate 365, and by Surveyor General as Lots 652A and 652B, embracing a portion of Townsite ten south of range eleven E., of New Mexico Principal Meridian, said Mining claim and mill site being the same property patented by government of the United States to R.C. Parsons, by patent issued August 3, 1892, and recorded in Book D, page 522 of the record in the probate clerk and ex-officio recorder of the county of Lincoln.

And it being further made to appear to the court that the said Eagle Mining and Improvement Co. did not pay the said appellees said sums of money within the time specified, except costs, and by the report of said Special Master that after having given public notice of the time and place of sale, by advertisement in the manner prescribed by law, said Special Master did, on the 29th day of April, A.D., 1911, at the hour of two o'clock p.m. at the front door of the new Court House in course of construction, in the town of Carrizozo, county of Lincoln, Territory of New Mexico, sell at public auction, the said property to satisfy said judgment, interest and expenses of sale to Mary R. Hamilton, Humphrey B. Hamilton, and James G. Fitch, who were the highest bidders, for the sum of Fifteen Thousand Five Hundred Eighty Five and 07/100 Dollars (\$15,585.67), and out of the proceeds of said sale, said Special Master has satisfied and paid said judgment with all costs and interest, including the costs of advertisement and sale:

And it further appearing to the court that said sale was fair and regular, and conducted in all respects in accordance with the law and the judgment of this court;

It is ordered and adjudged by the court that the said sale so made by said Special Master to the said Mary R. Hamilton, Humphrey B. Hamilton and James G. Fitch, be and the same hereby is approved, and confirmed by the Court, and that said Special Master execute and deliver to said purchasers a good and sufficient deed of conveyance for the premises so sold to them.

And it is further ordered and adjudged that the said Mary R. Hamilton, Humphrey B. Hamilton and James G. Fitch, be let into possession of said undivided one-half interest in said Hopeful Mine and Mill site, by the owners of the remaining one-half interest therein, and that in default thereof a writ of assistance do issue out of and under the seal of this court, directed to the Sheriff of Lincoln County to place the aforesaid purchasers in possession of the interest so purchased by them.

H.M. Dougherty et al.,

No. 1399

Fannie F. VanRiper,

Appellees,

vs.

Appellant,

) Appeal from District Court, Socorro County.

It is ordered by the court that this cause be and the same hereby is reset for hearing on August 21st, A.D., 1911

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No. 1387 James McVeigh, Appellant,)
 vs)
 A. C. Veigh, and L. L. Summers & Co., a corporation)
 Appellees,) Appeal from District Court Sierra County.

It is ordered by the court that this cause be, and it hereby is set for hearing for Monday August 21st, A.D., 1911

No. 1382 Territory of New Mexico, Appellee,)
 vs)
 Otto Eyles,) Appeal from District Court, Santa Fe County.
 Appellant)

This cause coming on before the court for hearing, upon the transcript of record, assignment of errors, and briefs of counsel, is argued by A. D. Renahan, Esq. for Appellant, and W. W. Clancy, Attorney General, for Appellee and submitted to the Court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellee do have until the 25th day of August, A.D., 1911 to file its briefs herein.

No. 1295 Territory of New Mexico, Appellee,)
 vs)
 Juan Barela,) Appeal from District Court Dona Ana County.
 Appellant.

Now comes the Attorney General for the Territory and presents here to the Court the mandate from the United States Circuit Court of Appeals in the above entitled cause and moves the Court for Judgment in accordance therewith the Writ of error herein in said cause having been dismissed and for judgment for costs and the court being sufficiently advised in the premises It is considered and adjudged by the court that the Judgment of the Court below, in and for the County of Dona Ana, whence this cause came into this court be re-affirmed and that in accordance therewith, it is considered and adjudged by the court that the said Juan Barela be remanded to the custody of the sheriff of Dona Ana County, to be by him safely kept until such time as he can conveniently convey him the said Juan Barela, to Santa Fe, New Mexico, there to deliver him to the Superintendent of the Territorial Penitentiary, therein to be confined at hard labor for the period of Ninety-nine years from and after this date.

It is further adjudged by the court that the Territory of New Mexico do have and recover of and from Juan Barela the sum of Thirty-two 50/100 dollars Costs of the said Circuit Court of Appeals in and for the eighth District and the further sum of Thirty dollars and seventy cents costs of this court, and that he stand committed until said costs are fully paid and that commitment and execution issue therefore.

It is ordered by the court that the setting of the cases as made by the clerk of this court for the present session be and the same hereby is approved.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope,
 Chief Justice, etc.

Twenty-third Day, Wednesday, August 16th, A.D., 1911

Court met pursuant to adjournment.

Present as yesterday,

Record of yesterday's proceedings were read and approved.

No. 980	A.G.Green, et al.,	)	
	Plaintiffs in error	)	
	vs	)	Error to District Court Mora County.
	Browne & Manzanares Co.	)	
	Defendant in Error,	)	

The court having before it the petition of Browne & Manzanares Company, defendant in error in the above entitled cause, reciting proceedings had under and by virtue of a certain writ of execution issued out of this court heretofore and heretofore returned into this court by the Sheriff of San Miguel County N. M., said petition reciting a sale of certain lands levied on and sold under and by virtue of said writ of Execution by said Sheriff to one Millard W. Brown and praying that said sale be approved and that the Sheriff of San Miguel County N. M., be instructed to issue to said Millard W. Browne his deed in said petition; and said petition further praying that said defendants in error do have and recover from said plaintiffs in error and from each of them, the balance of four hundred and thirty-eight and 21/100 Dollars (\$438.21) due it, the said defendant in error by said plaintiffs in error and the court being fully advised in the premises, it is therefore considered, adjudged and decreed, and ordered that the Sheriff of San Miguel County, N. M. issue to said Millard W. Browne his deed conveying to him, the said Millard W. Browne, the lands heretofore sold, viz On December 31st, 1910 by him, said Sheriff of San Miguel County N. M. to the said Millard W. Browne as more particulars set out and described in the petition of said Browne & Manzanares Co., defendant in error in this cause, dated May 1st, 1911, and that the said Millard W. Browne have possession of said lands, which said lands are more particularly described as follows to-wit:-

That certain tract of real estate claimed by Martha Green, one of said defendants (plaintiffs in error) to-wit:

A Certain tract of land to the east of the Mora Road and lying mostly to the north of the City of Las Vegas, N. M. bounded as follows: to-wit;

Commencing at a point on the east of the Mora Road, just southwest of adobe house, and about 15) yards, more or less, southerly from a stone on the west side of the Mora Road, which marks the north limits of the City of Las Vegas, for a point of beginning; running thence along the line of fence, course about N. 71 degrees and 30' East to the termination of said fence line, a point in the low ground southwesterly from what is known as Green's Lake; thence east along another line of fence to the southeast corner of this tract, being the south west corner of land claimed by Alfred G. Green; Thence north along the fence and line dividing this tract from lands claimed by Alfred G. Green, this line passing through what is now as Green's lake, to a point the northeast corner of this tract which point is the northwest corner of the lands claimed by Alfred G. Green and is on the south line of lands claimed by

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Mrs William Green; this east boundary of this tract measuring one-half mile, more or less,; thence west along the line and fence dividing this tract from lands claimed by Mrs. William Green, one-half mile, more or less, to the northwest corner of this tract; thence south along the line and fence dividing this land from the lands claimed by W. A. Givens and from lands claimed by Mrs Anna Ward, to the southeast corner of lands claimed by Mrs Anna Ward, which is a point about $5\frac{1}{2}$ chains east of Mora Road and on a line bearing north 65 degrees East and crossing the Hot Springs Branch of the A.T. & S.F. Railway at station 63 plus 57.8 feet; thence south 65 degrees West along said last described line to a point on the east side of Mora Road; thence on a course about south 9 degrees and 30' East along the east line of Mora Road to the place of beginning.

Also that certain tract of land and real estate, claimed by Alfred G. Green, one of said defendants (plaintiffs in error), to-wit:

Adjoining above described tract on the east, and bounded as follows: Commencing at a point the northwest corner of this tract of land which point is the northeast corner of lands claimed by Martha Green and is on the south line of lands claimed by Wm Green, deceased, and which point is about three-eighths of a mile, more or less to the north of what is known as Green's Lake; thence east following the line of fence dividing this tract of land from the land of Mrs. Wm. Green aforesaid and the projection of said line of fence east, about one-half mile to the arroyo Pecos, the northeast corner of this tract; thence southerly along said arroyo Pecos, following its meanders, to a point where a line one-half mile south measured at right-angles to above described north boundary and parallel thereto crosses said arroyo Pecos, S.E. Cor.; thence west along said last described line, which is marked on the east side of the road from Las Vegas to Watrous by an old row of posts and on the west side of said road by a wire fence and which line is parallel to and about 100 yards north of the north limits of the City of Las Vegas, one-half mile, more or less, to the southwest corner of this tract; thence north along the line and fence dividing this tract from lands claimed by Martha Green, one-half mile, more or less, to the point of beginning.

Which above described two tracts of land are now jointly more particularly and better described as follows: to-wit All of that land included within the following boundaries: Beginning at the southwest corner of this tract, which is a point on the east side of the Mora (7th street) Road and south 20 degrees 14' East 470 feet from the monument that marks the north boundary of the City of East Las Vegas, N. M. and which stone is marked E.L.V.-C.L.-N.B.-1895; thence north 78 degrees 13' East 629 feet; thence north 83 degrees 16' East 479.9 feet; thence north 24 degrees and 40' West 114.3 feet; thence north 67 degrees 15' East 1070.3 feet; thence east 3529.7 feet to the centre of the arroyo Pecos and to the southeast corner of this tract; thence meandering the center of the arroyo Pecos to the northeast corner as follows: North 1 degree 00' East 1166.6 feet; thence north 60 degrees 36' West 1037 feet; thence north 22 degrees 10' West 349.1 feet; thence north 28 degrees 19' West 731.4 feet to the northeast corner; thence north 89 degrees 48' West 3951.7 feet to the northwest corner; thence south 00 degrees 3' East 2280 feet; thence south 61 degrees 14' West 344.8 feet to the east side of the aforesaid Mora Road; thence south 9 degrees 11' 30' East 896 feet along the east side of said road to the

south west corner and place of beginning.

It is further ordered, adjudged and decreed that said Browne & Manzanares Co. defendant in error in this cause, do have and recover from the said plaintiffs in error in this cause Alfred C. Green, Martha Green, John Thornhill, John M. Ward, and the Estate of said John M. Ward, he now being deceased, and from each of them the sum of Four Hundred thirty-eight and 21/100 Dollars (\$438.21), together with costs accruing and to accrue; above amount being the deficiency due it, the said defendant in error, from the amount of the original judgment in this cause less the amount of net proceeds realized from said sale under execution as fully set out in the petition of said defendant in error dated May 16, 1911; and said defendant in error have execution therefor.

Witness the Honorable William H. Pope, Chief Justice of the Supreme Court of the Territory of New Mexico, this 16th day of August, A.D., 1911

William H. Pope

Chief Justice of the Supreme Court of the Territory of N.M.

No. 1294	Jeff Collins,	)	Appeal from District Court Quay
	Appellant		
	vs		
Robert Haggin	Appellee,	)	

This cause having been before this court on appeal from the judgment, entered in the District Court for Quay County, in favor of Robert Haggin, appellee, and against the appellant Jeff Collins, and this court having at the January, A.D., 1910 term thereof, affirmed the judgment of the said District Court, and an execution having been issued out of this court on the 24th day of October, A.D., 1910 commanding the sheriff of Quay County, to make the amount of the said judgment, which is four hundred and ninety dollars and fifty cents, and Eighth dollars and five cents costs with interest thereon, from the 24th day of October, A.D. 1910, at six per cent per annum of the goods, chattles, lands and tenements of the said Jeff Collins, and the said Sheriff, having filed his report in said matter, which report is as follows, to-wit: "I, J.F. Ward, Sheriff of Quay County, New Mexico, do hereby certify that under and by virtue of the authority and direction of a certain execution issued out of the Supreme Court of the Territory of New Mexico, dated on the 24th day of October, A.D., 1910 and upon certain judgment entered by said court in favor of Robert Haggin and against Jeff Collins, for the sum \$490.50 and \$8.05 costs together with interest at the rate of six per cent per annum, I did at the city of Tucumcari, in said Quay County, on the 11th day of November, A.D., 1910, levy upon the following described real estate as the property of the said Jeff Collins, to-wit: Lots, 8, 9, and 10, in Block 38 and Lots 3, 4, and 5 in Block 29 of the original townsite of the town (Now city) of Tucumcari, New Mexico, after having first read to the said Jeff Collins, the said Execution.

I further certify that after having made said levy, and posted notices thereof, upon the said property levied upon, I caused to be published in the Tucumcari Sun a weekly Newspaper of General circulation published at Tucumcari, in said county, for more than nine months

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prior to the date of the first publication, the following notice, to-wit:

"Notice of Sheriff's Sale. . . Notice is hereby given that under and by virtue of the authority in me vested by a certain execution issued out of the Supreme Court of the Territory of New Mexico, by the Clerk thereof, on the 24th day of October, A.D., 1910, upon a certain Judgment rendered by said court at the January Term thereof, A.D., 1910 for the sum of Four hundred and ninety and 50/100 Dollars, damages and eighth and 55/100 Dollars, costs, in favor of Robert Hagin and against Jeff Collins as principal, and H. M. Smith, W. M. Patty and A. A. Blankenship as sureties on appeal bond, I did on the 11th day of November, A.D., 1910 levy, upon the following described lots and real estate, to-wit, Lots 8, 9 and 10 in block 38 and Lots 3, 4, and 5 in Block 39, in the original townsite of Tucumcari New Mexico.

Notice is hereby further given that I will offer said property or so much thereof as may be necessary to make the amount of said judgment interest and costs including costs of execution and sale, for sale at public vendue in front of the Court house in Tucumcari, New Mexico, on the 10th day of February, A.D., 1911, at the Hour of 2 o'clock in the afternoon of said day.

Terms of sale, Cash in hand.

Dated at Tucumcari, New Mexico, this the 1st day of December, A.D., 1910,

51-5t

J. F. Ward, Sheriff.

I further certify that said notice was published as shown by the following affidavit of Publication to-wit: " Territory of New Mexico, County of Quay, S.S.

R. C. Stubbins, being first duly sworn, on his oath states that he is the manager of the Sun Printing Company, a corporation publishing the Tucumcari Sun, a weekly newspaper of General circulation, published in English at Tucumcari, said county and territory, for more than nine months prior to the date of the first publication herein mentioned; that there is no Newspaper published in the Spanish Language in said county; that there is no daily Newspaper published in said county, that the hereto attached notice of Publication was published in said Tucumcari Sun for four consecutive weeks, on the same day of each week as follows:

First Publication Dec. 2-1910

Second Publication Dec. 9-1910.

Third Publication Dec. 16-1910

Fourth Publication Dec. 23-1910

R. C. Stubbins,

Subscribed and sworn to before me this the 2nd day of February 1911.

Samuel T. Hopkins, Notary Public

My Commission expires March 23-1913.

(Seal)

Quay County N. M.

I further certify that on the 2nd day of February A.D., 1911, I served upon said Jeff Collins and upon the attorney for Robert Hagin, a notice to select appraisers as follows, to-wit:

NOTICE TO SELECT APPRAISERS

To Jeff Collins and Robert Hagin,

Tucumcari N. M.

You are hereby notified that pursuant to levy of execution issued by the Clerk of the Supreme Court of the Territory of New Mexico, on an judgment in favor of Robert Hagin and against Jeff Collins for the sum of \$490.50 and \$805 costs, entered by the court at the January AD. Term of said Court, I will offer for sale the following described real estate, to-wit:

Lots 3, 4, and 5 in Block 39 and lot 8, 9 and 10 in block 38 of the Original Townsite of Tucumcari, New Mexico, on the 10th day of February A.D., 1911 at the Hour of two o'clock P. M. of said day, and each of you are hereby notified to select an appraiser to appraise said property and event of your failure to select said appraiser, I shall proceed to make said selection.

Appraisers must be householders residing in Tucumcari New Mexico. Dated this the 2nd day of February, A.D., 1911.

J. F. Ward, Sheriff.

The appraisers selected by the said parties failing to agree, J. J. Harrison, was by the other two selected as umpire and after taking and subscribing the following oath, to-wit: "Territory of New Mexico, County of Quay, S.S. We, the undersigned appraisers, heretofore appointed to appraise the real estate described in the attached schedule, do solemnly swear upon our respective oaths that we are disinterested householders, residing in the neighborhood of said real estate, and that to the best of our knowledge and judgment, the said real estate is worth the sums specified in the attached schedule and report of the appraisers.

G. W. Evans, Esquire Decker,

J. J. Harrison,.

Subscribed and sworn to before me this 10th day of February, A.D., 1911

O. B. Hamilton, Notary Public Quay County, New Mexico.

My Commission expires August 26, 1913. (Seal) The said appraisers reported as follows, to-wit: "We, the undersigned heretofore appointed appraisers to appraise the real estate levied upon under execution, issued herein, do hereby certify that on the tenth day of February A.D., 1911, we proceeded to appraise the said real estate and to the best of our judgment, the following amounts set opposite the several descriptions of said real estate is the worth thereof.

Lots three (3) Four (4) and Five (5) Block Thirty-nine (39) of Lot three Four hundred Dollars. (400.) Lot (5) Four Hundred Dollars (

The Original townsite of the town of Tucumcari N. M.,-- Value \$1200.00

Lots eight (8) Nine (9) and ten (10) in Block thirty-eight (38) Lot 8 with well etc. \$800, Lot nine \$350 Lot 10 \$35

of the original townsite of the town of Tucumcari N. M., Value \$1500.00

Total value of property, \$2700.00.

Respectfully Submitted G. W. Evans, Esquire Decker

J. J. Harrison.

I further certify that after the said appraisers had filed the foregoing report I proceeded to sell the said property pursuant to said notice and authority under execution, and that I offer said lots separately, and the first National Bank of Tucumcari, New Mexico, having bid for lot 8 in Block 38 of the original Townsite of Tucumcari, N. M., the sum of \$542.51 the same being the highest and best bid offered, and the said sum being in excess of two thirds of the appraised value thereof, the same was struck off and sold to the said Bank and the said sum being sufficient to satisfy said Judgment, interest and costs, No more of said

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property was sold:

I further certify that the said Bank will be entitled to a deed to said lot 8 in Block 38 after the expiration of one year from the 10th day of February 1911, unless the same should be sooner redeemed.

I further certify that I gave to said Bank a certificate of purchase therefor, and after first deducting my commissions and all costs, I have paid over the said money to the judgment creditor, Robert Hagin, given under my hand this 25th day of April, 1911.

J. F. Ward, Sheriff."

And Now, on this day this cause coming on for further hearing, upon the application of the appellee for an order confirming the said sale, and the court after having examined the report of the Sheriff herein before set out, from which report, it appears that the said sale is in all things regular and in accordance with the law:

It is, therefore, ordered, adjudged and decreed by the court that the said sale, be. and the same hereby is confirmed and the said Sheriff of Quay County, is hereby ordered and directed to make to the said The First National Bank of Tucumcari, New Mexico or its assignee, a deed to the said lot 8 in block 38 of the original townsite of Tucumcari New Mexico, at the expiration of one year from the tenth day of February 1911 unless the same, should be sooner redeemed.

Dated at Santa Fe, New Mexico, the 16th day of August 1911

William H. Pope

Chief Justice of the Supreme Court of the Territory of New Mexico.

No. 1412 Territory of N.M. Ex rel. W.R.White,)
Appellant,)
vs) Appeal from District Court Lincoln County.
J.G.Rigle, Probate Clerk and Ex-officio Recorder of Lincoln County, N.M.,)
Appellee)

This cause coming on before the court upon the motion of appellant, to advance and consolidate the above entitled cause with causes Nos 1413.1415.1416.1417,1418 and the court having had the same motion under advisement and being now sufficiently advised in the premises, denies the same without prejudice. It is therefore considered and adjudged by the court that the motion to advance and consolidate in the above entitled cause, be and the same hereby is denied without prejudice.

No. 1413 Territory of N. M. Ex Rel W.R.White,)
Appellant,)
vs) Appeal from District Court, Lincoln County.
Chas A. Stevens, Sheriff of the County of Lincoln, N. M.)
Appellee,)

This cause coming on before the court upon the motion of appellant to advance the above entitled cause and consolidate the same with causes Nos 1412,1415,1416,1417,1418, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the said motion without prejudice. It is therefore considered and adjudged by the court that the motion to consolidate and advance in the above entitled cause, be and the same hereby is denied without prejudice.

Territory of N. M. Ex Rel. W. R. White,)
 Appellant,)
 No. 1414 vs) Appeal from District Court Lincoln County.
 T. W. Watson, Treasurer etc, Lincoln Co.)
 Appellee,)

This cause coming on before the court upon the motion of appellant to advance the above
 entitled cause and to consolidate the same with causes Nos 1412, 1413, 1415, 1416, 1417, and the
 the court having had said motion under advisement and being now sufficiently advised in the
 premises, denies said motion without prejudice. It is therefore considered and adjudged
 by the court that the motion of appellant to advance and consolidate be and the same hereby
 is denied and overruled without prejudice.

Tina Haffner Retsch)
 Appellee)
 No. 1398 vs) Appeal from District Court, Santa Fe County
 A. B. Renahan,)
 Appellant,)

It is ordered by the court that this cause be and the same hereby is set for hearing for
 the 24th day of August, 1911

The Territory of New Mexico,)
 Appellee,)
 No. 1389 vs) Appeal from District Court Santa Fe County.
 Melvin W. Mills, et al.,)
 Appellants,)

This cause coming on for hearing upon the transcript of record, briefs of counsel
 and assignment of errors, is taken under advisement by the court on briefs, and the Appellant
 is hereby given until the first day of October within which time to file his briefs and the
 appellee thirty days thereafter.

Joseph Brown Oliver et al.,)
 Appellants,)
 No. 1392 vs) Appeal from District Court Dona Ana County.
 Jose Enriquez,)
 Appellee,)

This cause coming on before the court upon the motion of Appellee for a certiorari and
 diminution of the record, and the motion of appellee excepting to the assignment of errors
 was argued by W. R. Reber, Esq. for appellee and E. C. Wade Jr, for appellant and submitted
 to the court and the court not being sufficiently advised in the premises takes the same un-
 der advisement.

A. Straus,)
 Appellant,)
 No. 1380 vs) Appeal from District Court Quay County.
 W. L. Foxworth,)
 Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and
 Briefs of Counsel, is argued by W. C. Read, for appellant and H. M. Dougherty and R. P. Barnes
 for appellee, and submitted to the court, and the court not being sufficiently advised in the
 premises, takes the same under advisement.

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No.
1429

Schneider-Davis Company, a corporation
 vs
 J.E.Laverty et al.,
 Appellants,

vs

Appellee,

Appellants,

Appeal from District Court Eddy County.

This cause coming on before the court upon the motion of appellee herein to Docket the above entitled cause and affirm the judgment of the court below, for failure of the appellants to perfect their appeal, and for ten percent damages, and the court being sufficiently advised in the premises, grants the motion to docket and affirm, but denies the ten percent damages. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed and the judgment of the District Court in and for the County of Eddy whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith it is therefore, considered and adjudged by the court, that the plaintiff do have and recover of and from the appellant J. E. Laverty, the sum of \$6270.22; as principal and interest on the same from the 23 day of October, A.D., 1910 until paid and the further sum of \$ of 696.69; attorneys fees stipulated and agreed to be paid in and by said notes as attorneys fees.

It is further ordered, adjudged and decreed that said mortgage premises mentioned in said complaint and heretofore, herein described be sold at Public Auction at the front door of the Court House in the town of Carlsbad, in said county of Eddy, New Mexico, in which said mortgaged premises are situate. That such sale be made by Chester A. Hunker, of Carlsbad, Special Master, hereby appointed for that purpose. That said master give public notice of the time and place of such sale, according to the course of practice of this court and the law relating to the sale of real property under execution. That any of the parties to this suit may become the purchaser or purchaser at said sale. That the said master shall execute and deliver to the purchaser or purchasers, at such sale a deed as required by law. That the said master out of the proceed of said sale, retain his fees and commissions on said sale. Pay to the Clerk of this court all costs due him in said cause and pay to the plaintiffs attorneys the sum of Six Hundred Ninety six and 69/100 Dollars, out of said proceeds as attorneys fee as aforesaid, and to the plaintiffs or its attorneys the balance of said Judgment hereinbefore rendered with interest at six per cent per annum from the 23rd day of October A.D., 1910, or so much thereof as the said proceeds of said sale will pay. It is further ordered that said master bring the surplus money if any arising from the said sale, after the payment aforesaid, into court, to abide its further order in the premises: and that he make a report of his proceedings in the premises, and file the same with the Clerk of this Court.

It is further ordered, adjudged and decreed that the defendants and each and every one of them and all persons claiming or to claim for or under them or either of them, by judgment, decree or otherwise, upon the land described in said mortgage, and their and each of their heirs and personal representatives and all persons claiming to have acquired an estate or interest in said premises subsequent to the filing of said mortgages for record in the office of the Probate Clerk and Ex-officio recorder of deeds in and for Eddy County, as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim in, on and to said mortgaged premises, and every part and parcel thereof, except as provided by law.

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It is further ordered, adjudged and decreed by the court that the purchaser or purchasers of said mortgaged premises, at such sale, or his or their assigns, be let into possession thereof, and that any of the parties to this action who may be in possession of said premises or any part thereof, and any person who since the commencement of this action has come into the possession under them or either of them deliver possession to such purchaser or purchasers, his or their assigns, on production of the master's deed for such premises or any part thereof.

It is further ordered adjudged and decreed, that if the moneys arising from such sale shall be insufficient to pay this fees, disbursements and amount adjudged due the plaintiff as aforesaid with interest aforesaid, then that the plaintiff have execution against the property of said defendant J. E. Lavery, for the amount still remaining due after applying the proceeds of sale as aforesaid, with interest from the date of said report of sale.

It is further ordered, adjudged and decreed by the court that execution of this order of sale herein be stayed for the period of ninety (90) days from date hereof, during which period the defendants herein J. E. Lavery and his wife Mary A. Lavery, have the right of redemption under the law, by paying into court the full said judgment of foreclosure as herein set out, together with all costs and attorneys fees assessed herein with interest on all of said amounts, with right reserved in addition, to said defendants to redeem at any time within nine months from date of said sale.

It is further ordered, adjudged and decreed that the said Appellee Schneider Davis Co., a corporation do have and recover of and from J. E. Lavery, and Mary A. Lavery as principals and W. A. Craig, and R. L. Bates, sureties on the appeal bond, ~~the sum of Six thousand two hundred and seventy 29/100 Dollars (\$6270.29) with interest at the rate of six per cent per annum from the 23rd day of October, A. D., 1910 and the further sum of Six hundred and ninety six 59/100 Dollars (\$696.59) Attorneys fees and the costs of this court in this be and expended to be taxed, for which let execution issue.~~

No. 1411	L. Current, et al	Appellees,	)	
	vs		)	
	Citizens Bank of Aztec,	Appellant,	)	Appeal from District Court San Juan County.

It is ordered by the court that this cause be and the same hereby is set for hearing for August 30th 1911

No. 1383	Edgar Andrews,	Appellant,	)	
	vs		)	
	The Rio Grande Live Stock Company	Appellee,	)	Appeal from District Court Santa Fe County.

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. Renehan, Esq. for appellant and F. W. Clancy Esq. for Appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

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Now comes the Board of Bar examiners, and report here to the court that they find Messrs George Peet, Frank B. Grant, John A. Young, J. McGuinness, Arthur T. Hannett, Keith W. Edwards, Frank J. Lavan, Cyp W. McSherry, C. G. Hedgecock and Harold V. Mather, proper and suitable persons to be admitted to the bar of this Court, whereupon on motion of William J. Lucas, Esq. It is ordered and adjudged by the court that Messrs George Peet, Frank B. Grant, John A. Young, J. McGuinness, Arthur T. Hannett, Keith W. Edwards, Frank J. Lavan, Cyp W. McSherry, C. G. Hedgecock and Harold V. Mather, be and they hereby are admitted as attorneys, solicitors and counselors of this court, upon their signing the roll and taking the oath of office and the clerk of this court hereby is directed to issue to the said named persons a proper certificate of admission. Whereupon Messrs George Peet, Frank B. Grant, John A. Young, J. McGuinness, Arthur Hannett Keith W. Edwards, Frank J. Lavan, Cyp W. McSherry, C. G. Hedgecock and Harold V. Mather, appeared in open court and were duly sworn and subscribed to the roll.

It is ordered by the court that the temporary licenses of Guy A. Reed and Lyton R. Taylor be and the same hereby are extended until the next regular session of this court.

The following allowances were ordered made by the court and the Clerk of this Court was directed to draw his warrant in payment of the same. viz:

W. J. Lucas, Per diem and mileage two meetings	\$ 62.80
C. C. Catron, per diem two meetings	30.00
A. C. McNitt typewriting	7.00
Jode B. Sena, Secretary, for 26 applications filed and postage	140.00
R. P. Peacans	10.00

Now comes Honorable Edward A. Mann, and announces to the Court the death of Honorable A. H. Harlee, a member of the Bar of this court, whereupon the court appointed Messrs Edward A. Mann, H. I. Dougherty and R. P. Barnes, a committee to prepare and present to the court proper and suitable resolutions of the life of Mr A. H. Harlee, and out of respect of the memory of the deceased the court adjourned for the day.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Dafe

Chief Justice etc.

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to be taxed for which let execution issue and that he stand committed until such fine and costs are fully paid.

No. 1391	Territory of New Mexico, Ex Rel Children's Home Society, a corporation	Appellee,	) Appeal from District Court Santa Fe County.
	vs		
	W. G. Sargent, Auditor etc.	Appellant,	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. W. Clancy, for appellant and by Edward A. Mann, Esq and M. E. Hickey for appellee and submitted to the court, and the court being sufficiently advised in the premises, takes the same under advisement.

Now comes Hon. Frank W. Clancy, and suggests to the Court the death of Honorable John H. Knaebel, a member of the bar of this Court, whereupon the Court appointed as a committee to prepare and present proper and suitable resolutions, Hon Frank W. Clancy, Attorney General, Hon D. Bradford Prince and Hon A.B. Renehan, and out of respect to the memory of the deceased the court adjourned for the day.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Twenty-fifth Day, Friday August 18th, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1167 Mariano F. Sena,)
 Plaintiff in Error,)
 vs) Error to District Court Santa Fe County.
 American Torquoise Company)
 Defendant in Error,)

This cause coming on upon the mandate of the Supreme Court of the United States affirming the judgment of the Supreme Court of this Territory and for judgment against the said plaintiff in error in the sum of twenty dollars costs of the Supreme Court and the court being sufficiently advised in the premises, It is therefore considered and adjudged by the Court that the judgment of this court heretofore entered to wit on the 2nd day of September, A. D., 1908 hereby stands affirmed, It is further adjudged and decreed by the court that the defendant in error do have and recover of and from the plaintiff in error the sum of twenty dollars as adjudged by the Supreme Court of the United States for which let execution issue.

No. 1197 Eagle Mining & Improvement Company,)
 Plaintiff in Error,)
 vs) Error to District Court Lincoln County.
 Robert E. Lund)
 Defendant in Error,)

This cause coming on before the court upon the mandate of the Supreme Court of the United States dismissing the appeal in said court from the judgment and decision of this court and for costs, and the court being sufficiently advised in the premises, It is therefore considered and adjudged by the court that the judgment of this court heretofore entered stand as heretofore entered, It is further considered and adjudged by the court that the said defendant in error do have and recover of the said plaintiff in error his costs in this behalf expended for which let execution issue.

No. 1386 Mary E. Collins,)
 Appellant,)
 vs) Appeal from District Court Quay County.
 L. B. Schump, et al)
 Appellees,)

This cause coming on before the court upon the motion of appellee for an additional bond in the above entitled cause, and of appellant for a suspension of the rule requiring the transcript to be printed and the court having had said motions under advisement grants the same. It is therefore considered and adjudged by the court that the appellant herein furnish an additional and more adequate bond as heretofore fixed by the Judge of the district Court which said bond must be filed within thirty days from the date hereof and unless the same be filed within that time the case would stand dismissed.

It is further ordered and adjudged by the court that this cause be and the same may be heard upon the typewritten transcripts filed herein.

Twenty-fifth

Day,

Friday August 18th

A. D.

1911

No. 1372 Joseph Brown Oliver, Appellant,)
 vs Jose Enriquez, Appellee,)
 Appeal from District Court Doña Ana County.

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by M. B. Catron, Esq and E. C. Wade, Jr, For appellant and W. R. Reber, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1376 Caledonian Coal Company, Appellant,)
 vs Rocky Cliff Coal Mining Company, Appellee,)
 Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. W. Clancy for Appellant and E.W. Dobson, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1378 Caledonian Coal Company, Appellee,)
 vs Rocky Cliff Coal Mining Company, Appellant,)
 Appeal from District Court Bernalillo County.

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by E.W. Dobson, Esq. for appellant and F. C. Clancy Esq. for appellee and submitted to the Court and the court not being sufficiently advised in the premises takes the same under advisement.

It Is ordered that the court do now adjourn until Monday Morning at ten o'clock A. M.

William H. Dope
 Chief Justice etc.

Twenty-sixth Day, Monday August 21st, 1911

Court met pursuant to adjournment.

Present as upon Saturday

Record of Saturday's proceedings were read and approved.

No. 1373	Oliver Typewriter Company,	)	Appeal from District Court, Bernalillo County.
		)	
	vs	)	
	Butner & Ramsey, etc.	)	
	Appellee,	)	
		)	
	Appellants,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justices Pope, McWhe, Parker, Roberts and Mechem, concurring, reversing the judgment of the court below and remanding the cause for further proceedings, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court for further proceedings not inconsistent with the views expressed in the opinion of the Court. It is further considered and adjudged by the court that the appellant do have and recover from and of Appellee, their costs in this behalf expended to be taxed for which let execution issue.

No. 1391	Territory of New Mexico Ex Rel Children's)		Appeal from District Court Santa Fe County.
	Home Societe, a corporation Appellee,		
	vs	)	
	William G. Sargent, Territorial Auditor	)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope, and Associate Justices Parker, Abbott, Mechem and Roberts concurring, reversing the judgment of the court below, and remanding the said cause with directions, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this cause came into this court, be and the same hereby is reversed, and this cause hereby is remanded to the said District Court with directions to set aside the peremptory writ of mandamus and quash the alternative writ. It is further considered and adjudged by the court that the appellant do have and recover of and from the Appellee, its costs in this behalf expended to be taxed for which let execution issue.

No. 1402	Territory of New Mexico,	)	Appeal from District Court Union County.
		)	
	vs	)	
	Silvestre Torres,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors

Twenty-sixth

Day,

Monday, August 21st,

A. D.

1911

and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellant do have five days from this date in which to file additional briefs herein.

No.	James Goddie, et als.	)	
1407	vs	)	
	Colorado Investment Company	)	Appeal from District Court Union County.
	Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, and the Attorneys for appellant or appellee not being present is taken by the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	H. M. Doughert, et al.,	)	
1399	vs	)	
	Fannie F. Van Riper, A	)	Appeal from District Court Socorro County.
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No.	City of Roswell	)	
1406	vs	)	
	Eastern Railway of New Mexico	)	Appeal from District Court Chaves County.
	Appellant,	)	

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is set for hearing for August 21st, 1911

No.	Territory of New Mexico, ex rel A.J. Welter,	)	
1419	vs	)	
	M. W. Witt,	)	Appeal from District Court, Chaves County.
	Appellee,	)	

Upon stipulation of counsel, it is ordered by the court that this cause be and the same hereby is set for hearing for August 21st, A. D. 1911

No.	Territory of New Mexico, ex rel, J. W. Stock-	)	
1420	ard,	)	
	vs	)	
	The Mayor and City Council of Roswell N. H.	)	Appeal from District Court Chaves County.
	Appellant,	)	

Upon stipulation of counsel it is ordered by the court that this cause be and the same hereby is set for hearing for August 21st, A. D., 1911

No. 1387 James McVee, h,)
Appellant,)
vs) Appeal from District Court Sierra County.
A. C. Vigh et al.,)
Appellees,)

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is argued by E. L. Medler, Esq. for appellant and Robert H. Crew, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1419 Territory of New Mexico, ex rel A. J. Welter)
vs Appellant) Appeal from District Court, Chaves County.
H. W. Witt, Esq.)
Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. M. Dow, Esq. for appellant and James M. O'Brien, Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1420 Territory of New Mexico, ex Rel J. W. Stockard,)
vs Appellee,)
The Mayor and City Council of the City of) Appeal from District Court Chaves County.
Roswell, N. M.)
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. M. Dow, Esq. for appellants and James M. Dye, Esq. and W. A. Durn, Esq. for appellee, and submitted to the Court and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1406 City of Roswell,)
vs Appellee,)
Eastern Railway of New Mexico a corporation) Appeal from District Court, Chaves County.
Appellant,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by J. M. O'Brien, Esq. for appellant, and submitted to the Court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1287 United States of America,)
vs Appellee,)
Carl Adamson.) Appeal from District Court Eighth District
Appellant,)

Now comes the appellant Carl Adamson, and presents himself into court pursuant to an order heretofore made in accordance with the Mandate of the United States Court of Appeals in and for the Eighth District and nothing further says why the judgment and sentence of the Court should not be passed upon him.

It is therefore considered by the Court here and is the judgment and sentence of the Court that the said defendant and appellant Carl Adamson, be remanded to the custody of the Marshal

Twenty sixth

Day,

Monday. August 21st,

A. D.

1911

For the District of New Mexico to be by him safely kept until such time as he can conveniently convey him, the said Carl Adamson, to the Territorial Penitentiary at Santa Fe and there deliver him the said Carl Adamson, to the Superintendent of the Territorial Penitentiary, to be by him confined at hard labor for the period of one year and six months from the date of the sentence hereof; that he the said Carl Adamson, pay all costs of this prosecution, to be taxed, and that he stand committed until such costs are fully paid.

It Is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope

Chief Justice etc.

Twenty-seventh Day, Tuesday, August 22nd, 1911

Court met pursuant to adjournment,

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1379 U. S. Bateman, Appellant,)
vs)
Julius J. Gitts, et al., Appellees,)
Appeal from District Court Chaves County.

This cause coming on for hearing upon the motions of appellees to dismiss the appeal for reasons therein stated, is argued by Alexander Missett, Esq. for appellee, and submitted to the court and the court not being sufficiently advised in the premises, takes the same into advisement.

No. 1381 L. B. Honey, et al., Appellees,)
vs)
E. H. Grosler, et al., Appellants,)
Appeal from District Court Eddy County.

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is submitted to the Court on Briefs, by the order of the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1385 J. L. House, Appellee,)
vs)
W. H. Hittson, Appellant,)
Appeal from District Court, Curry County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is by the order of the court submitted on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1379 U. S. Bateman, Appellant,)
vs)
Julius J. Gitts, et al., Appellees,)
Appeal from District Court Chaves County.

This cause having been submitted to the court upon the motions of the appellees to dismiss the appeal and the motion to dismiss the appeal as to the Intervenor, and the court having had said motions under advisement and being sufficiently advised in the premises, It is therefore considered and adjudged by the court that the motions of appellee to dismiss the appeal for failure of the appellant to file briefs and the motion of appellee to dismiss the appeal as to Intervenor herein, be and the same hereby are denied and overruled.

No. 1385 H. L. House, Appellee,)
vs)
W. H. Hittson, Appellant,)
Appeal from District Court Curry County.

This cause having been submitted to the court on Briefs, and taken under advisement on

Twenty-seventh

Day,

Tuesday, August 22nd

A. D.

1911

day hereof, and being sufficiently advised in the premises, and on motion of appellee herein to dismiss the appeal herein for want of jurisdiction this cause having been previously affirmed in this court at a former term thereof Announces its decision by Associate Justice Wright dismissing the appeal for want of jurisdiction. It is therefore considered and adjudged by the court that the appeal herein be and the same hereby is dismissed

No.	Territory of New Mexico	)	
1431	vs	)	Appeal from District Court Eddy County.
	David E. House,	)	
	Appellant,	)	
	Appellee	)	

Now comes the Attorney General for the Territory of New Mexico and presents here to the Court a skeleton Transcript in the above entitled cause together with a letter from the attorney for appellant stating that the appellant would abandon his appeal and consent to the affirmance of the judgment of the court below, It is therefore considered and adjudged by the court that on agreement of counsel the cause is hereby ordered docketed and the judgment of the court below is affirmed It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Eddy be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the appellant David E. House, be imprisoned in the Territorial Penitentiary at Santa Fe, New Mexico, for the term of not less than one year and not more than two years, that he pay the costs of this prosecution and that he stand committed until said costs are fully satisfied.

No.	U. S. Batean,	)	
1379	vs	)	Appeal from District Court Chaves County.
	Julius J. Gitts, et al.,	)	
	Appellee,	)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by Alexander Nisbett for Appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Twenty-eighth Day, Wednesday, August 23rd, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday.

Record of Yesterday's proceedings is read and approved.

No. 1422	J. H. O'Rielly,	)	Appeal from District Court Bernalillo County
		Appellee,	
	vs	)	
	John W. Colbert,	Appellant,	

This cause coming on for hearing upon the transcript of record, assignment of error and briefs of counsel, is submitted to the court on briefs by agreement of counsel, and the court not being sufficiently advised in the premises takes the same under advisement. This day given the parties to file brief

No. 1384	G. W. Bond, et al.,	)	Appeal from District Court, Valencia County.
		Appellants,	
	vs	)	
	Unknown Heirs of Juan Berela Deceased,	Appellee,	

It is ordered by the court that this cause be and the same hereby is set for hearing for Friday, August 25th, 1911

No. 1396	Valentina Chaves de Padilla, etc.	)	Appeal from District Court, Valencia County.
		Appellee,	
	vs	)	
	A. T. & S. F., Ry Co.	Appellant,	

It is ordered by the court that this cause be and the same hereby is set for hearing for Saturday, August 26th, A. D., 1911

No. 1393	Thomas Howard, and Louis Destree, a corporation doing business under the firm name of Howard & Destree,	Appellees	Appeal from District Court, Curry County.
	vs	)	
	B. L. Kitchell, et al.,	)	
		Appellants,	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by H. Williams, Esq. for Appellant and M. C. Dunlavy, Esq. for Appellee, and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

No. 1394	W. W. Shoucair,	)	Appeal from District Court Curry County.
		Appellant,	
	vs	)	
	North-British and Mercantile Ins Co., of London & Eddingburg,	Appellee	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by M. C. Spicer, Esq. for appellant, and submitted on briefs for appellee and the court not being sufficiently advised in the premises, takes the same under advisement by the court.

Twenty-eighth

Day,

Wednesday, August 23rd

A. Q.

1911

No.
1397

W. D. McBee,

Appellee,

VS

Pat O'Connell, et al

Appellants,

Appeal from District Court Curry County

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is Argued by G. L. Reese, for Appellant, and R. E. Rowles, for Appellees and submitted to the court, and the court not being sufficiently advised in the premises, takes the same under advisement.

It Is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Twenty-ninth Day. Thursday, August 24th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

Ni.1404	Territory of New Mexico,	)	Appeal from District Court Socorro County.
		)	
	vs	)	
	Juan Jose Gallegos	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause coming on before the court upon the motion of the attorney general that the forfeiture heretofore entered against the Bondsmen in the appeal bond in the above entitled cause, be set aside, and the court being now sufficiently advised in the premises, it is considered and adjudged by the court that the forfeiture of the appeal bond heretofore entered in this court, be and the same hereby is set aside.

No.1400	Territory of New Mexico,	)	Appeal from District Court Chaves County.
		)	
	vs	)	
	Jim Walker,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause coming on before the court for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs, and the court not being sufficiently advised in the premises, takes the same under advisement.

No.1401	Territory of New Mexico	)	Appeal from District Court Roosevelt County.
		)	
	vs	)	
	Oscar F. Cheaney,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, is argued by G. L. Reese, for Appellant and F. W. Clancy Esq for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No.1388	Tina Haffner Retsch	)	Appeal from District Court Santa Fe County.
		)	
	vs	)	
	A. B. Renahan,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on Briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

It Is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Thirtieth

Day,

Friday, August 25th

A. D.

1911

Thirtieth Day, Friday, August 25th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings was read and approved.

No.	Mary E. Collins,		)	
1386		Appellant,	)	
	vs		)	Appeal from District Court Quay County.
	L. B. Schump, et al.,		)	
		Appellees,	)	

This cause coming on for argument upon the transcript of record, assignment of errors and Briefs of counsel, is submitted to the Court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the appellee do have twenty days from the eighteenth day of September 1911 within which to file briefs herein.

No.	Territory of N. M. Ex Rel, J. J. Aragon,		)	
1410		Appellant,	)	
	vs		)	Appeal from District Court Lincoln County.
	The Board of County Commissioners Lincoln Co.)		)	
		Appellee,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is by agreement submitted on briefs and the court not being sufficiently advised in the premises, takes the same under advisement.

No.	Territory of New Mexico		)	
1405		Appellee,	)	
	vs		)	Appeal from District Court Guadalupe County.
	Edward McNabb,		)	
		Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by O. A. Barrazolo, Esq and T. B. Catron Esq. for Appellant and E. W. Clancy, Esq. and Edward E. Mann, Esq for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No.	G. W. Bond, et al.,		)	
1384		Appellants,	)	
	vs		)	Appeal from District Court Valencia County.
	Unknown Heirs of Juan Barela, deceased, et al.,		)	
		Appellees,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and Briefs of counsel, is argued by Francis O. Wilson, Esq. for appellants and F. W. Clancy Esq. for appellees and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope

Chief Justice etc.

Thirty-first Day, August 26th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

No. 1396	Valentina Chaves de Padilla, sole surviv-)	)	Appeal from District Court, Valencia County.
	ing patent of Antonio Padilla, deceased,)		
	Appellee,)		
	vs		
A. T. & S. F. Ry Co.,	Appellant,)		

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, was argued by R. E. Twitchell Esq. for appellant, and Edward A. Mann Esq. and Harry P. Owen Esq. for appellee, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1166	D. M. Reade,	)	Appeal from District Court, Doña Ana County.
	Appellee,		
	vs		
	Theresa Arnett et als.,		
	Appellants,	)	

This cause coming on to be heard upon the motion of appellants in the above entitled cause for judgment in accordance with the mandate of the Supreme Court of the United States, and it appearing that at a former day of this court judgment and decree was rendered in this court in favor of the appellee herein and affirming the judgment and decree rendered in this cause by the District Court in and for the county of Doña Ana, from which said court the said cause was appealed; and it further appearing that an appeal was duly taken from the said judgment and decree of this court to the Supreme Court of the United States, issued May 23rd, A.D., 1911, the said mandate having been filed herein and being now before this court, that said judgment and decree of this court was reversed by the judgment and decree of said Supreme Court of the United States rendered April 3rd, A. D., 1911:

Now, therefore, for the purpose of carrying out the said mandate of said Supreme Court, of the United States, and in accordance therewith, and the court being fully advised in the premises, it is hereby Considered, Ordered, Adjudged and Decreed that the judgment and decree of the said District Court of the Third Judicial District of the Territory of New Mexico, in and for the County of Doña Ana, whence this cause came into this court, be and the same is hereby reversed and that the said appellants Theresa Arnett, et al., do have and recover of and from D. M. Reade, appellee, the sum of one hundred and fifty dollars and twenty-five cents (\$150.25), their costs on appeal of the said cause to the said Supreme Court of the United States, together with their costs in this court expended, to be taxed by the Clerk of this Court and that they have execution therefor.

It is further considered, ordered and adjudged that this cause be and the same is hereby remanded to the District Court of the Third Judicial District of the Territory of New Mexico sitting in and for the County of Doña Ana for further proceedings in accordance with this judgment and decree and the said mandate of the said Supreme Court of the United States

IT IS CONSIDERED ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, The Arizona, & Colorado Railroad Company of New Mexico, do have and recover of and from the defendant The Denver & Rio Grande Railroad Company, the possession of the said lines and railroad right-of-way of the said plaintiff, by it adopted, surveyed and located, as described in the complaint herein, and as set forth in the maps and profiles filed in the office of the Secretary of the Territory of New Mexico, and in the office of the Probate Clerk and ex-Officio Recorder of the

County of San Juan, in the Territory of New Mexico, and that the said defendant vacate and surrender to plaintiff the possession thereof, when the said plaintiff shall have constructed at least twenty miles of railroad substantially complete for use, within the Territory of New Mexico along the line adopted by it as set forth and described in its complaint, and shall actually enter upon the grading of its line of railroad between Farmington, New Mexico and Durango, Colorado, along the said line adopted by plaintiff and in said complaint described and provided that the plaintiff shall have complied with all conditions precedent to such construction still to be performed by it in order to conform the provisions of the laws of New Mexico relating to the laying out and construction of railroads.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED, That the rights of plaintiff to enter upon said right-of-way, and to take grade and possess the same ~~are~~ hereinabove decreed, and the duty of the defendant to vacate and surrender to plaintiff the possession thereof, shall be limited in time to the space and period ending five years from the date of the decree.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the said defendant be and it is restrained and enjoined henceforth from prosecuting any condemnation suits or actions now pending or which might be hereafter by defendant instituted, in-so-far as such suits or actions may in any wise affect the rights and interests of the plaintiff company in and to the said line, so located and adopted by it, and hereinabove mentioned.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED, That the said defendant be and it hereby is restrained and enjoined henceforth from any further or other entry or trespass upon the said line of road so adopted and located by said plaintiff, and hereinabove mentioned except only insofar as it is by this decree expressly permitted to continue the operation of its road as now constructed until such time as in this decree above provided.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED, That the plaintiff do further have and recover of and from the defendant and appellant its costs herein to be taxed.

No. 1354	In the Matter of the Last will and Testament of Sarah Ellen Dye, deceased, Isaiah Dye, executor	Appellee,	Appeal from District Court Bernalillo County.
	vs		
	Ora Butler Meece,	Appellant,	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Pope and Associate Justices McFie, Mechem, Wright and Roberts, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo, whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings. It is further adjudged and decreed by the court that the appellant do have and recover of and from the appellee its costs in this behalf expended to be taxed for which let execution issue

Thirty-first

Day,

Saturday August 26th

A. D.

1911

No. 1359 Richard Di Palma, et al.,
 vs J. A. Weinman, et al.,
 Appellees,)
 Appellants,) Appeal from District Court Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justice Mc Pie, Parker, Wright and Roberts, concurring, affirming the judgment of the court below upon the filing by appellee of a remittitur in the sum of \$770, within ten days herein, if not reversing the same and remanding it for further proceedings, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court, within and for the County of Bernalillo be and the same hereby shall stand affirmed upon the filing by the appellee herein of a remittitur in the sum of seven hundred and seventy dollars within ten days from this date, and if not reversing the same and remanding this cause for further proceedings. It is further ordered and adjudged that the appellants do have and recover of and from the appellees their costs in this behalf expended for which let execution issue.

No. 1381 L. B. Howey, et al.,
 vs E. P. Gessleb, et al.,
 Appellees,)
 Appellants,) Appeal from District Court Eddy County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Associate Justices, Parker, Abbott, Mechem and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Eddy whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is therefore, considered and adjudged by the court that the plaintiffs have and recover of the defendants the sum of \$463.34, said attorneys fees in said notes provided and costs of suit and the further costs in carrying into effect this decree, with interest thereon at the rate of seven per cent. per annum from the ^{17 day of September 1910} ~~date hereof~~ until the said amounts have been paid.

And it is further ordered, adjudged and decreed by the court that the mortgages in said cause on the following described property, to-wit:- East Half of the West Half, West Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section Twenty(20), East, N.M. P.M. (containing twenty (20) acres more or less); The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section Eighteen (18) Township, Eighteen (18) South, Range twenty six (26) East, N. M. P. M. subject to two thousand dollars mortgage; and the southhalf of the Northwest Quarter of the Southwest Quarter of Section Four (4) and the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the North East Quarter of Section Five (5) Township eighteen (18) South Range twentysix(26) East N. M. P. M. Containing one hundred acres more or less, subject to an agreed one thousand seven hundred and fifty dollars, of a two thousand eight hundred dollar mortgage against this last named and

other lands, given to secure the payment of the aforesaid amount, before closed in satisfaction thereof.

It is further ordered by the court that G. U. McGrary, of Artesia Eddy County New Mexico, be, and is hereby, appointed special Master for the purpose of making sale, and selling the aforesaid premises; and that he is ordered hereby to advertise the sale of said premises, in some News paper published in Eddy County New Mexico, for four consecutive weeks, giving notice of the time, place and terms of said sale, according to law; And that upon making sale of said premises, or such part thereof as may be necessary to pay and discharge the full amounts as aforesaid, with costs of further proceedings in this case, as the law required, with seven percent on said amount from the 19th day of September, A. D., 1910 up to the time of the payment, and full discharge of said indebtedness, and that he make the purchaser of said property a good and sufficient deed, as required by law, conveying the interest of the said defendant; and that the proceeds of said sale thereof, be paid, first, to the satisfaction of the costs accrued herein and to the costs which may hereafter accrue, Second to the satisfaction of the said Attorney fee, Four hundred and sixty three dollars and thirty four cents and interest thereon, and the balance, if any remaining after the settlement, of the aforesaid amount, be paid into the Clerk of this Court, for the further orders of the Court.

And it is further ordered, Adjudged and decreed by the court that the title of the purchaser of said property at such sale, be, and is hereby, confirmed and decreed to be superior to that of the defendants, or any of them, or any one claiming under them.

No. 1392	Joseph Brown Oliver et al.,	)	
	Appellants,	)	
	vs	)	Appeal from District Court Dona Ana County.
	Jose Enriquez,	)	
	Appellee,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Wright, Abbott Parker and Roberts concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Dona Ana, whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district Court for further proceedings. It is further ordered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed for which let execution issue.

It is ordered that the court do now adjourn until Wednesday afternoon August 30th at two o'clock P. M.

William H. Pope

Chief Justice.

Thirty-second

Day,

Wednesday August 30th

A. D.

1911

Thirty Second Day? Wednesday August 30th, A. D., 1911

Court met pursuant to adjournment.

Present as upon Saturday.

Record of Saturday's proceedings were read and approved.

No.	Colorado & Arizona Railroad Company of New	)	
1237	Mexico,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Denver & Rio Grande R. P. Company,	)	
	Appellant,	)	

Upon the motion of Harry S. Clancy Esq. it is ordered by the court that the appellant here in do have until the first day of October within which time to file motion for rehearing herein.

No.	L. Current et al.,	)	
1411	vs	)	
	Citizens Bank of Aztec.	)	Appeal from District Court San Juan County.
	Appellee	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. O. Perkins, Esq, for appellant, and submitted to the court on briefs for appellee, and the court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the court that the appellee do have fifteen days from this date within which to file briefs herein and the appellant twenty days thereafter for reply.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope
Chief Justice etc.

Thirty-third Day, Thursday, August 31st, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings were read and approved.

CONSIDERING the communication from the Supreme Court of the United States, of date, June 9th, 1911, It is ordered by the court that Hon. Frank W. Clancy, Hon Thomas B. Catron and Hon. Neill B. Field, members of the bar of this court, be appointed a committee, pursuant to the suggestion of the Supreme Court of the United States, to prepare and suggest such changes in pleading and practice in equity in the courts of the United States, as such committee may deem it wise to adopt.

In Re George H. Peet.

Certain matters having been brought to the attention of the Court relative to the order of admission to the bar of this Court of Mr George H. Peet, and the court having had said matters under advisement and being fully advised in the premises, It is ordered by the court that the order admitting the said George H. Peet, to the Bar of this Court, be and the same hereby is vacated and set aside.

No. 1393	Thomas Howard and Louis J. Destree, a co-)	)	Appeal from District Court Curry County
	partnership doing business under the firm)		
	name of Howard & Destree,		
	Appellees,		
	vs	)	
	B. L. Kitchel, and J. D. Lyons,	)	
	Appellants,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Associate Justices Abbott, McFie, Mechem, Roberts and Parker, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Curry, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that Thomas Howard and Louis J. Destree, the appellees, do have and recover of and from B. L. Kitchell and J. D. Lyons and from each of them the sum of \$225.35 as principal, the sum of \$18.75 as interest thereon from the 27th day of October A.D., 1909 to the 7th day of January A.D., 1911, the sum of \$75 allowed by this court as Attorneys' fee in this case, interest on the said principal sum at the rate of 6% per annum from the 7th day of January A.D. 1911 until paid, together with the said Plaintiffs' costs incurred in this action, to be taxed.

IT IS FURTHER ORDERED, adjudged and decreed, that the said sums mentioned be and hereby are declared to be a lien upon the property named in the said complaint in this action, which said property is described as follows: the west part of Lots numbered six (6) and seven (7) of block numbered sixty four (64) of the city of Clovis, County of Curry, formerly a

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part of the County of Roosevelt, as the same is shown by the recorded plat thereof now on file in the office of the Probate Clerk and Ex-Officio Recorder of Roosevelt County, New Mexico. Also a certain parcel of land described as follows: Beginning at the south west corner of said lot numbered seven (7), thence north along east boundary line of alley, four (4) feet to be the land occupied by the Antlers Hotel building; thence east and parallel with the Grand Avenue sixty-seven (67) feet; thence south four (4) feet; thence west along the south boundary of line of said lot seven (7), sixty-seven (67) feet to the point of beginning, together with all buildings and other appurtenances upon the said two described parcels of land : and It Is further ordered, adjudged and decreed that an order of sale issues directing that the said described property be sold and the proceeds arising from the said sale be applied to the payment of the plaintiffs' judgment, and if a surplus should remain, the said surplus to be paid over the said defendants and appellants.

It Is further ordered, adjudged and decreed that Thomas Howard and Louis J. Destree, the plaintiffs and appellees, do have and recover of and from B.L. Kitchel and J. D. Lyons, as principals and W. A. Foyil and M. Boyle, as sureties on the supercedas Bond, the sum of \$274.30 as principal, together with interest thereon at the rate of 6% per cent per annum from the 7th day of January A.D., 1911 and eleven, and the further sum of \$75. allowed by this Court as attorneys fee together with the costs of this court as well as of the court below in this behalf expended to be taxed, for which let execution issue.

No.	Territory of New Mexico, ex rel. A.J. Welter	)	
1419		) Appellant,	
	vs	)	Appeal from District Court Chaves County.
	M. A. Witt, Respondent	)	
		) Appellee,	

This cause having been argued by counsel, submitted to and taken under advisement by the Court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope, Associate Justices McRie, Parker Mechem, Roberts and Abbott, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It Is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Chaves whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered adjudged and decreed by the court that, demurrer in the above entitled cause be and the same hereby is sustained; It Is further ordered and adjudged by the court that the information be and the same hereby is dismissed at the cost of appellant,

No.	Territory of New Mexico, ex rel. J. W. Stock	)	
1420	ard, relator	) Appellee,	
	vs	)	Appeal from District Court, Chaves County.
	The Mayor and City Council of Roswell N. M.	)	
		) Appellants,	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised

in the premises, announces its decision by Associate Justice Abbott, Associate Justices Parker, McFie and Roberts, concurring, Associate Justices Mechem and Wright dissenting, reversing the judgment of the court below, and remanding this cause for further proceedings, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded for further proceedings. It is further considered and adjudged by the court that the appellant do have of and from the appellee its costs in this behalf expended for which let execution issue.

It is ordered that the court do now adjourn until tomorrow afternoon at three o'clock P.M.

William H. Page

Chief Justice etc.

Thirty-fourth Day, Friday, September 1st, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings was read and approved.

No.	Richard Di Palma, et al.,		
1359		Appellees,	
	vs		
	J. A. Weinman, et al.,		Appeal from District Court, Bernalillo County.
		Appellants,	

This cause coming on before the court upon the motion of appellees for further time within which to file motion for a rehearing herein and further time within which to file remittitur thereafter, and the court having had said motion under advisement and being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the appellee do have until the 16th day of September within which time to file a motion for a rehearing herein, and ten days thereafter within which time to file remittitur in case the motion for rehearing is not filed.

It is further considered and adjudged by the court that should the appellee herein fail to file motion for rehearing a final order herein either affirming or reversing shall be entered in this cause in vacation and it is so ordered.

No.	Otto Berger,		
1334		Appellant,	
	vs		
	G. W. Ford,		Appeal from District Court Bernalillo County.
		Appellee,	

This cause coming on before the court upon the motion of Frank Ackerman, Esq. Attorney for appellee herein and moves the court to order this cause docketed and the judgment of the Court below affirmed, for reason of the failure of the appellant to furnish appeal Bond and perfect his said appeal, and that this cause be remanded to the District Court for further proceedings in accordance with the decree of the court below, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered Docketed and that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this cause be and the same hereby is affirmed and that in accordance therewith, it is considered and adjudged by the court that the defendant recover of the plaintiff and appellant the possession of the personal property described in the complaint, and that the said property be returned by the plaintiff to the defendant, and It is further ordered by the court that this cause be and the same hereby is remanded to the said District Court with instructions to proceed further herein, and that the appellee do have and recover of and from appellant his costs in this behalf expended, to be taxed for which let execution issue.

No. 1218 Henry Lockhart, Appellee,)
 vs) Appeal from District Court Bernalillo County.
 The Washington Gold and Silver Mining Co.,)
 Appellant)

This cause coming on before the court upon the motion of appellant herein for a rehearing, and the court having had said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellant herein for rehearing be and the same hereby is denied.

No. 1362 R. E. Putney, Appellant,)
 vs) Appeal from District Court Bernalillo County.
 Franz Schmidt and C.H. Story, as individuals, and also as partners doing business)
 under the firm name and style of Schmidt)
 and Story, and Schmidt and Story a corporation.)
 Appellees,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice C. J. Roberts, Associate Justices McFie, Parker, Mechem and Wright, concurring, Chief Justice Pope Concurring; in the result, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered, ordered and adjudged by the court that the mortgage and note set forth in the complaint are fraudulent and void, as against the Defendants, and are not valid or binding obligations upon them. And It is further ordered, adjudged and decreed by the court that the complaint of the plaintiff be, and it is hereby dismissed upon the merits and that the appellees do have and recover of and from the appellants their costs in this behalf expended for which let execution issue.

No. 1379 Ursinus Sidney Bateman, Appellant,)
 vs) Appeal from District Court, Chaves County.
 Julius J. Gitts, et al.,)
 Appellees,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Merritt C. Mechem, Associate Justices Abbott, McFie, Parker, Wright and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file? It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Chaves whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court (a) that the plaintiff in this action has no right title or interest in and to said shares of stock, be-

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cause of the fact that the sheriff of said Chaves County failed to post the six copies of the notice of sale of the stock in question as was required by law; (b) that the said The Roswell National Bank of Roswell, Intervenor, now the American National Bank of Roswell, is given a lien on said shares of stock to secure the payment of the principal, interest and costs of the judgment in said civil action No. 777, which lien, however, is second to the lien hereinafter given to said First National Bank of Marshall; (c) that said First National Bank of Marshall is hereby given a lien on said shares of stock to protect it as guarantor of said note now held by said L. B. Weaver as cashier of said Bank of the State of Indiana, which lien is superior to the lien hereinbefore given to the intervenors, but that said lien given to said First National Bank of Marshall is upon the condition that, within sixty days from date hereof it cause said note now held by said Weaver to be endorsed, transferred and delivered for collection to the receiver hereinafter named, and that said bank within said time also endorse and deliver to said receiver said two certificates of stock now in its possession, and that within said time said bank also truly reports in writing to be filed in this action, what collateral, if any, other than said certificates of stock it has to protect it against the payment of said renewal note, and also what became of said insurance policy and the amounts thereof, by what companies issued and to and whose favor the same were issued; (d) that in the event of the failure of said First National Bank of Marshall to comply with any one or more of the provisions above mentioned within the time above mentioned, unless extension be granted therefor be granted by this court, upon the written applications by said bank therefor, said lien given to said bank shall be inferior and second to the lien hereinbefore given to the intervenor; (e) that Alexander J. Nisbet, Esq., of Roswell, Chaves County, New Mexico, is hereby appointed receiver of this court, and is hereby authorized, empowered and directed to take possession of said note now held by said Weaver upon the same's being transferred and endorsed to him and also to take possession of said certificates of stock and all other collateral, if any, held by said First National Bank of Marshall to protect it as guarantor of said renewal note, including said two insurance policies, under the orders of the court hereafter to be made and to hold the proceeds derived from such collection and sale subject to the further orders of the court. It is further ordered and adjudged by the court that the appellant pay all the costs in this behalf expended for which let execution issue.

No. 1380	vs	A. Straus,	)	
		Appellant,	)	
		W. L. Foxworth,	)	Appeal from District Court Quay County.
		Appellee,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Abbott, Chief Justice Pope and Associate Justices McFie, Parker and Roberts Concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Quay whence

this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that this cause be and the same hereby is dismissed. It is further ordered and adjudged that the appellee W. L. Foxworth, do have and recover of the appellant A. Strauss. his costs in this behalf expended for which let execution issue.

No. 1387 James McVeigh,)
Appellant,)
vs) Appeal from District Court Sierra County.
A. C. Veig, and L.L. Summers & Co.,)
Appellees,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Chief Justice Pope, Associate Justices Parker, McFie, Abbott, Wright and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Sierra, whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith that the defendants and Appellees do have judgment against the appellant that the complaint herein be dismissed and the injunction heretofore issued be dissolved. And it is further ordered that the appellee do have and recover of and from the appellant their costs in this behalf expended for which let execution issue.

No. 1407 James Goode et al.,)
Appellants,)
vs) Appeal from District Court Union County.
Colorado Investment Loan Company,)
Appellee,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Associate Justices Abbott, McFie, Parker, Wright and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Union whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith, It is Ordered, adjudged and decreed that the plaintiff do have and recover from the defendants herein the first lien on the lands and tenements described in the plaintiff's complaint by virtue of the mortgage deed made and executed by the defendants James Goode and Minnie Goode, and set out in the plaintiff's complaint herein, bearing date of September 21st, 1898, and which said mortgaged property is described as follows, to-wit:

"All that certain tract or parcel of land within the following metes and bounds and being a part of the Southwest quarter (SW1/4) of the Northeast quarter NE1/4) of Section Thirty-four (34) in Township Twenty-zix(26) North of Range Thirty-five (35 East of the New

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Mexico Principal Meridian, beginning at a stake One Hundred and ten (110) Feet South of the Northeast corner of the Southeast quarter (SE1/4) of the Northwest quarter (NW1/4) of Section Thirty-four(34) in Township twenty-zix(26) North Range thirty-five(35) East of the New Mexico Meridian, thence turning East at right angles Two hundred and nine feet (209) to the Northeast corner of this tract; thence turning South at right angles two hundred and nine (209) feet to the Southeast corner of this tract; thence running West at right angles two hundred and nine (209) feet to the Southwest corner of this tract, thence running North at right angles two hundred and nine (209) feet to the place of beginning, containing one acre and one hundred and twentyone (121) square feet of land, and it is further

Ordered, adjudged and decreed That the plaintiff do have and recover of and from the defendants James M. Goode and Minnie Goode, on the indebtedness herein sued upon together with the attorney's fee prayed for, for the aggregate sum of Eight Hundred Nineteen and 60/100 (\$819.60) Dollars, with interest thereon from the date hereof until paid at the rate of Six per cent per annum, together with the costs and disbursements of this action, and it is further

Ordered, Adjudged and Decreed by the Court that in case the defendants fail to pay to the plaintiff herein the said sum of Eight hundred Nineteen and 60/100 Dollars, the amount of said judgment and all interest and costs and disbursements due and to become due therefor, within ninety (90) days from the date of the rendition of this judgment, then and in that event the Sheriff of Union County, New Mexico, be, and he hereby is authorized and directed to advertise and sell, according to law, the lands and tenements in the said mortgage and complaint and as hereinbefore described, together with all appurtenances thereunto belonging, and the said Sheriff be, and he hereby is, directed to apply the proceeds from the sale of such property as follows: (1) in payment of all the costs incident to and connected with said sale in this action, as well as all court costs. (2) In payment to the plaintiff of the sum of eight hundred and Nineteen 60/100 (\$819.60) Dollars, the amount found to be due to the said plaintiff as aforesaid Together with all disbursements and all interest thereon. (3) The residue, if any, to be paid to the defendants James M. Goode and Minnie Goode. It is further

Ordered, adjudged and decreed that the claims of the defendants Sam Vandewater, Reyes p. Martines and Telesfor Martines be, and the same hereby are declared to be subject and subordinate to the interest of the plaintiff in this action and to the mortgage deed hereby foreclosed, and It is further Ordered, Adjudged and Decreed that at any time within nine months after the sale of the above described property, under and by virtue of this decree, the above named defendants, or their assigns, or any other party interested in said real estate, may redeem the same by paying to the purchaser, or his assigns, the amount paid, with interest from the date of purchase at the rate of twelve per cent per annum, but if the property is not so redeemed, then the defendants and each of them, and any and all persons claiming by, through or under them, or any or either of them, since the Recording in the office of the Probate Clerk and Ex-officio Recorder for Union County, New Mexico, on, to wit, the 22nd day of September, 1898, of the mortgage deed herein sued upon, be, and each of them is, hereby forever barred and foreclosed of and from all lien upon, right, title, interest, estate and equity of redemption in and to said lands and tenements and each and every part thereof.

No. 1410

Territory of New Mexico, by its Attorn-)
 General, Frank W. Olancy, on the rela-)
 tion of Jacobo J. Aragon, Appellant,)
 vs)
 The Board of County Commissioners of)
 Lincoln County New Mexico, Appellee)

Appeal from District Court Lincoln County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Frank W. Parker, Chief Justice Pope, and Associate Justices McFie, Abbott, Mechem and Roberts, Concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the Writ of Quo Warranto applied for by the said plaintiff, be not allowed or issued and that the information of the said plaintiff, filed, praying for the writ of Quo Warranto, be, and the same hereby is dismissed, and that the said defendants go hence without day, and that it do have and recover of the said plaintiff its costs in this behalf expended, for which let execution issue.

No. 1325

Vicente Montoya, Plaintiff,)
 vs)
 Unknown heirs of Francisco Montes Vigil)
 deceased; the Unknown heirs of Juan Gon-)
 zales, deceased, and all unknown heirs)
 of the real estate hereinafter describe)
 ed, Defendants, Appellants)
 vs)
 Candido G. Gonzales, et als, interven-)
 ers, Appellees,)

Appeal from District Court Bernalillo County

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice John R. McFie, Chief Justice Pope and Associate Justices Parker, Wright, Mechem and Roberts, concurring, affirming the judgment of the court below, except as to the two tracts of land embraced by Exhibits No. 28, 28a, and 28b and Exhibits No. 65, 65a, and 65b and reversing the same as to said tracts and remanding it for further proceedings as to the same said tracts, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Bernalillo whence this cause came into this court, as to all the intervenors except the portions embraced in Exhibits Nos 28, 28a, 28b, 65, 65a, 65b, be, and the same hereby is affirmed, and that in accordance therewith, It is considered, adjudged and decreed by the Court as follows:

That the intervenor, Jose Felipe Silva, is the owner in fee simple absolute and in severalty of the following strips and parcels of land situate within the limits of the Alameda Grant and bounded and described as follows:

Containing 42.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north

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by land claimed by the heirs of Dolores Gutierrez de Tafuya, and on the south by land claimed by Federico Gutierrez; and which said strip corresponds to strip No. 73 in the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto, and made a part of this decree.

Containing 61 varas in width from north to south, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the West, and bounded on the north by land claimed by Nestor Gonzales, and on the south by land claimed by Jesus Maria Sandoval; and which said strip corresponds to strip No. 85 in the list of strips referred to in the findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

That the Catholic Church of Los Corrales is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 30 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Pomposo Criego, and on the south by land claimed by Octaviano Lopez, and which strip corresponds to strip No. 80 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, Candido G. Gonzales, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 288 varas in width from North to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Conrado A. Gonzales, and on the south by land claimed by the heirs of Diggo Sanchez; and which said strip corresponds to the strip No. 4, of the list of strips referred to in the Findings of Fact in the said cause and in the list of strips annexed hereto and made a part of this decree.

It is further Considered, adjudged and decreed that the intervenor, Candido G. Gonzales, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 190 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by the heirs of Jose Antonio Montoya, and on the south by land claimed by Conrado A. Gonzales; and which said strip corresponds to strip No. 6 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, Candido G. Gonzales, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 42.1/2 varas in width from north to south, and in length to the Ceja of the Río Puerco on the west, and bounded on the North by land claimed by Conrado A. Gonzales, and on the south by land claimed by Juan Montoya; and which said strip corresponds to strip No. 16 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor Candido G. Gonzales, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 222 varas in width from north to south, and in length extending from the Río Grande on the east to the Ceja del Río Puerco on the west, and bounded on the north by land claimed by Juan Dominguez, Jesus Garcia and Justiniano Cutierrez, and on the south by lands claimed by the heirs of Anicero Arriaga et al.; and which said strip corresponds to strip No. 37 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, Candido G. Gonzales, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant, bounded and described as follows:

Containing 13 varas in width from north to south, and in length extending from the Río Grande on the east to the Ceja of the Río Puerco on the west, and bounded on the north by land claimed by Adeline Garcia and Guillermo Martinez, and on the south by land claimed by Bonifacio Carrillo and Damacio Rivera; and which said strip corresponds to strip No. 57 of the list of strips referred to in the Findings of Fact in said cause annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners SOFIA MONDOYA AND FRANCISCO X. MONTTOYA are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 100 varas in width from north to south, and in length extending from the Río Grande on the east to the Ceja of the Río Puerco on the west, and bounded on the north by land claimed by Anastacio Garcia and on the south by land claimed by Candido G. Gonzales, and which said strip corresponds to strip No. 7 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener ANASTACIO GARCIA is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 40 varas in width from north to south, and bounded on the north by land claimed by Noyola Chavez, and on the south by land claimed by the heirs of Jose Antonio Montoya,

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and which strip corresponds to strip No. 8, of the list of strips referred to in the Findings of Fact in said cause and made in the list of strips annexed hereto and made a part of this decree

It Is further considered, adjudged and decreed that the intervener NOYOLA CHAVES is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant, bounded and described as follows:

Containing 70 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Jose Chaves, and on the south by land claimed by Anastacio Garcia; and which said strip corresponds to strip No. 9 of the list of strips referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It Is further considered, adjudged and decreed that the intervener JOSE CHAVES is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 80 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Concepcion Trujillo de Sandoval, and on the south by land claimed by Noyola Chaves; and which said strip corresponds to strip No. 10 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It Is further considered, adjudged and decreed that the intervener JOSE CHAVES, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 20 varas in width from north to south, and in length extending from the Rio Grande on the East to the Caja del Rio Puerco on the west, and bounded on the north by land claimed by Felix Tafoya y Gonzales, and on the south by land claimed by Jose Gonzales y Montoya; and which said strip corresponds to strip No. 20 of the list of strips referred to in the Findings of Fact in said cause and in the list of Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It Is further considered, adjudged and decreed that the interveners BORJA C. DE MARTINEZ AND TRINIDAD CANDELARIO, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land, situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Juan Montoya, and on the south by land of Anastacio Garcia and Concepcion Trujillo de Sandoval; and which said strip corresponds to strip No. 13 of the list of strips referred to in the Findings of Facts in said cause and in the list of strips annexed hereto and made a part of this decree.

It Is further considered, adjudged and decreed that the intervener JUAN MONTOYA is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 40 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Candido G. Gonzales, and on the south by land claimed by the heirs of Felipe Candelaria; and which said strip corresponds to strip No. 15 of the list of strips referred to in the Findings of Facts in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener FELIX TAFOYA Y GONZALEZ is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 19 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Ambrosio Garcia, and on the south by land claimed by Jose Chaves; and which said strip corresponds to strip No. 21 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, MELQUIADES MARTINEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 58 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Andres Gallegos, and on the south by land claimed by Deonicia Comacho; and which said strip corresponds to strip No. 25 of the list of strips referred to in the Findings of Fact and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener ANDRES GALLEGOS, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 57 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by a land claimed by Alejandro Sandoval, and on the south by land claimed by Melquiades Martinez and which said strip corresponds to strip No. 26 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed by the court that the intervener, ALEJANDRO SANDOVAL, is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant, bounded and described as follows, to wit:

A strip containing 112 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, bounded on the north

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by land claimed by Victor Tafoya, and on the south by land claimed by Andres Gallegos, and which said strip corresponds to strip No. 27 of the list of strips referred to in the Findings of Fact in this cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 40 varas in width from north to south, and in length extending from the Luceros Road on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Rafael Maestas, and on the south by land claimed by the heirs of Bertrudes Carrillo; and which said strip corresponds to strip No. 95 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 109 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jesus Maria Sandoval, and on the south by land claimed by the heirs of Agustin Leal; and which said strip corresponds to strip No. 106 of the list of strips referred to in the Findings of Fact and in the list of strips annexed hereto and made a part of this decree.

A strip containing $113\frac{3}{4}$ varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Francisco Garcia, and on the south by land claimed by Juan Garcia; and which said strip corresponds to Strip No. 123 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing $301\frac{1}{2}$ varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by the heirs of Mariano S. Otero and on the south by land claimed by heirs of Francisco Garcia; and which said strip corresponds to strip No. 125 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 100 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jesus Maria Sandoval, and on the south by land claimed by Teofilo Perea; and which said strip corresponds to strip No. 110 of the list of strips referred to in the findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 84 varas in width from north to south and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Augustin Alary, and on the south by land claimed by Jesus Maria Sandoval; and which said strip corresponds to strip No. 112 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing $37\frac{1}{2}$ varas in width from north to south, and in length extending from the Rio grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Juan Garcia and on the south by land claimed by Fernando Arrijo; and which said strip corresponds to strip No. 121 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener MARCELINA N. DE GONZALES is the owner in fee simple absolute and in severalty of the following described strip tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 56 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Toribio Arrijo; and on the south by land claimed by the heirs of Florencio Gonzales; and which said strip corresponds to strip No. 30 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered and adjudged that the intervener TORIBIO ARRILLO, is the owner in fee simple absolute and in severalty of the following described strips, tract and parcel of land situate within the limits of the Alameda grant, bounded and described as follows:

Containing 28 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by lands claimed by Rosa Salas y Gonzales, and on the south by land claimed by Marcelina N. de Gonzales; and which said strip corresponds to strip No. 31 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, HEIRS OF ANTONIO JOSE GONZALES, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 86.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by heirs of Abelina G. de Gonzales, and on the south by land claimed by Marian Gonzales; and which said strip corresponds to strip No. 34 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, BEATRIZ GONZALES DE HELLEA AND TERESA GONZALES DE SANDOVAL, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 100 varas in width from north to south and in length extending from the Rio Grande on the east and the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by the heirs of Aniceto Arrijo, and on the south by land claimed by the heirs of Antonio Jose Gonzales; and which said strip corresponds to strip No. 35 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners JESUS GARCIA AND

JUSTINIANO GUTIERREZ, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 50 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the West, and bounded on the north by land claimed by Juan Dominguez, and on the south by land claimed by Candido G. Gonzales; and which said strip corresponds to strip No. 38 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered and adjudged and decreed that the intervener JUAN DOMINGUEZ is the owner in fee simple absolute and in severalty of the following described strip tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 84 varas in width from north to south, and in length extending from the Rio-Gran de on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Antonio Ignacio Martinez and on the south by lands claimed by Justiniano Gutierrez; which said strip corresponds to strip No. 39 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener ANTONIO IGNACIO MARTINEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 25 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Leonor Tenorio de Gonzales, and on the south by land claimed by Juan Dominguez; and which said strip corresponds to strip No. 40 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, LEONOR TENORIO DE GONZALES, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 55 varas in width from north to south, and in length extending from the Rio Grande on the east and the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Manuel Antonio Perea, and on the south by land claimed by Antonio Ignacio Martinez; and which said strip corresponds to strip no. 41 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, HEIRS OF MANUEL ANTONIO PEREA, are the owners in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

A strip containing 80 varas in width from north to south, and in length extending from the

rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Beatriz Gonzales de Haller, and on the south by land claimed by Leonor Tenorio de Gonzales; which said strip corresponds to strip No. 42 of the strips referred to in the Findings of fact in said cause, and in the list of strips annexed hereto and made a part of this decree.

A strip containing 50 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Epimanio A. Miera, and on the south by land claimed by Jose Leonardo Garcia; and which said strip corresponds to strip No. 68 of the list of strips referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed by the court that the intervener BEATRIZ GONZALES DE HALLER, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by heirs of Guadalupe Armijo, and on the south by land claimed by heirs of Manuel Antonio Perez; and which said strip corresponds to strip No. 43 of the list of strip referred to in the Findings of fact in said cause and on the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener ABELICIO PEREA is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 34 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Rafael Gutierrez de Gonzales, and on the south by land claimed by the heirs of Mariano S. Otero; and which said strip corresponds to strip No. 46 of the list of strips referred to in the Findings of fact in said cause and to the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener RAFAELA GUTIERREZ DE GONZALES, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 7 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja del Rio Puerco on the West, and bounded on the north by land claimed by Guadalupe Gutierrez de Martinez, and on the south by land claimed by Abelicio Perea, successor to Vicente Montoya; and which said strip corresponds to strip No. 47 of the list of strips referred to in the Findings of fact in said cause and the list of st

strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, GUADALUPE GUTIERREZ DE MARTINEZ is the owner in fee simple and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the North by land claimed by Leopoldo Martinez and on the south by land claimed by Rafaela Gutierrez de Gonzales and which said strip corresponds to strip No. 48 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor CARLOS MARTINEZ is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 22 varas in width from north to south, and in length extending from the Rio Grande on the east, and the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Guadalupe Gutierrez de Martinez and on the south by land claimed by Leopoldo Martinez; and which said strip corresponds to strip No. 5 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips hereto annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor ALEJANDRO GONZALES, is the owner in fee simple and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 33.1/2 varas in width from North to south, and in length extending from the Rio Grande on the East to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Francisco Gonzales, and on the south by land claimed by Dolores Griego; and which said strip corresponds to strip No. 53 of the list of strips referred to in the Findings of Fact in said cause and the list of strips hereto annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, Francisco Gonzales, is the owner in fee simple, absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Julian Martinez, and on the south by land claimed by Alejandro Gonzales; and which said strip corresponds to strip No. 54 of the list of strips, referred to in the Findings of Fact, in said cause, and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor JULIO MARTINEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 37 varas in width from North to south, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Bonifacio Carrillo and Damacio Rivera and on the south by land claimed by Francisco Gonzales, which said strip corresponds to strip No. 55 of the list of strips referred to in the Findings of Fact in said cause and the list of strips heretofore annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervener BONIFACIO CARRILLO, is the owner in fee simple, absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 29.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Pomposo Griego, and on the south by land claimed by Donaciano Perea; and which said strip corresponds to strip No. 61 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed, that the intervener POMPOSO GRIEGO, is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

A strip containing 10 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the North by land claimed by Jesus Maria Sandoval, and Manuel Gonzales, and on the south by land claimed by Luis Garcia; and which said strip corresponds to strip No. 62 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 30 varas in width from north to south, and in length extending from the Rio Grande on the east, to the Ceja of the Rio Puerco on the west, and bounded on the North by land claimed by Pedro Perea, and on the south by land claimed by Jose Felipe Silva; and which said strip corresponds to strip No. 81 of the list of strips referred in the Findings of Fact in said cause and the list of strips heretofore annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervener Jose Leandro Garcia, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Manuel Antonio Perea, and on the south by land claimed by Jesus Maria Sandoval; and which said strip corresponds to strip No. 67 of the list of strips referred to in

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the Findings of Fact in said cause and the list of strips hereto annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervener DELFINO GUTIERREZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 25 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jose Leon Gutierrez and on the south by land claimed by E. A. Miera; and which said strip corresponds to strip No. 70 of the list of strips referred to in the Findings of Fact in said cause and the list of strips hereto annexed and made a part of this decree.

It is further considered, adjudged and decreed that the intervener JOSE LEON GUTIERREZ is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

A strip containing 30 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Federico Gutierrez, and on the south by land claimed by Teofilo Gutierrez; and which said strip corresponds to strip No. 71 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 37 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio grande on the west, and bounded on the north by land claimed by Octaviano Lopez, and on the south by land claimed by Erinea Cordova de Griego and which said strip corresponds to the strip No. 78 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 80 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Grande on the west, and bounded on the north by land claimed by Teofilo Perez, and on the south by land claimed by Jesus Maria Sandoval, and which said strip corresponds to strip No. 108 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered adjudged and decreed that the interveners, HELEN DE DOLORES GUTIERREZ DE TANOYA, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 18 varas in width from north to south, and in length extending from the Rio Grande on the east and the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Irenoa Cordova de Griego, and on the south by land claimed by Jose Felipe Silva; and which said strip corresponds to strip No. 74 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

of fact in said cause, and the list of strips annexed hereto and made a part of this decree.

It is further considered and adjudged by the court that the intervener IRENEA COLODOVA DE GRIEGO is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant, bounded and described as follows, to wit:

A strip containing 60 varas in width from North to south, and in length extending from the Rio grande on the east to the Ceja of the Rio Puerco on the west and bounded on the North by land claimed by Ignacio Gutierrez, and on the south by land claimed by Dolores Gutierrez; and which said strip corresponds to strip No. 75 of the strips of land referred to in the Findings of fact in said cause and the strips of land annexed hereto and made a part of this decree.

A strip of land containing 52 varas in width from North to south, and in length extending from the Rio grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jose Leon Gutierrez, and on the south by land claimed by Ignacio Gutierrez; and which said strip corresponds to strip No. 77 of the list of strips referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener OCTAVIANO LOPEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 34 varas in width from north to south, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jose Felipe Silva and on the south by land claimed by Jose Leon Gutierrez; and which said strip corresponds to strip No. 79 of the list of strips referred to in the Findings of fact in said cause and the strips of land annexed hereto and made a part of this decree.

It is further considered adjudged and decreed that the intervener LEON DARRAR, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 95 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west and bounded on the north by land claimed by Jesus Maria Sandoval, and on the south by land claimed by the heirs of Pedro Perea; and which said strip of land corresponds to strip No. 83 of the list of strips referred to in the Findings of fact in said cause, and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener JOSE GRIEGO is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land Grant bounded and described as follows:

A strip containing 11.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the North by land claimed by heirs of Tomas Montoya, and on the south by land claimed by Nestor Gonzales and which said strip corresponds to strip No. 87 of the list of strips referred to in the Findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 32.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the West, and bounded on the north by land claimed by Secundino Sandoval, and on the south by land claimed by Jesus Maria Gutierrez; and which said strip corresponds to strip No. 92.1/2 of the list of strips referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, HEIRS OF TOMAS MONTOYA are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 126 varas in width from north to south, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Juan Cristobal Lopez, and on the south by land claimed by Nieves Montoya de Sandoval; and which said strip referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, JUAN C. LOPEZ, is the owner in fee simple absolute and in severalty of the following described, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 75 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the West, and bounded on the north by land claimed by Evaristo Griego, and on the south by land claimed by the heirs of Tomas Montoya; and which said strip corresponds to strip No. 89 of the list of strips referred to in the Findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, ALBINA MONTOYA DE SANCHEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Grant, bounded and described as follows:

Containing 33 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jesus Maria Gutierrez, and on the south by land claimed by Evaristo Griego; and which strip corresponds to strip No. 91 of the list of strips referred to in the findings of fact in said cause, and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, JESUS MARIA GUTIERREZ,

is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing $32\frac{1}{2}$ varas in width from north to south, and in length, extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Secundino Sandoval, and on the south by land claimed by Albina Montoya, de Sanchez; and which said strip corresponds to strip No. 92 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, RAFAEL LANSTAS, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 59 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Angelo Saloe, and on the south by land claimed by Alejandro Sandoval and heirs of Getrudes Carrillo; and which said strip, corresponds to strip No. 96 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, ANGELO SALOE AND LOUIS SALOE are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 100 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by the heirs of Barbara Aragon, and on the south by land claimed by Rafael Lanstas; and which said strip corresponds to strip No. 97 of the list of strips referred to in the Findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor LOSE MANUEL SANCHEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 20 varas in width, from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west and bounded on the north by land claimed by heirs of Petronila Martinez, and on the south by land claimed by the heirs of Barbara Aragon de Montoya; and which said strip corresponds to strip No. 99 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervenor, VICENTE GARCIA, is

is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 22 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Nicanor Martinez, and on the south by land claimed to Petronilo Martinez; and which said strip corresponds to strip No. 101 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, NICANOR MARTINEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant, bounded and described as follows:

Containing 18 varas in width from north to south, and in length extending from the Rio Puerco on the west, and bounded on the North by land claimed by Eugenio Vernier, and on the south by land claimed by Vicente Garcia; and which said strip corresponds to strip No. 102 of the list of strips referred to in the Findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, HEIRS OF AUGUSTIN LEAL, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 60 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Alejandro Sandoval, and on the south by land claimed by Meliton Garcia; and which said strip corresponds to strip No. 105 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, TEOPILO PEREA, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant, bounded and described as follows:

Containing 50 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Alejandro Sandoval, and on the south by land claimed by Jose Leon Gutierrez; and which said corresponds to Strip No. 109 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, AGUSTIN ALARY, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 91.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land

claimed by Emilio Alary, and on the south by lands claimed by Alejandro Sandoval; and which said strip corresponds to strip No. 113 of the Strips of land referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, EMILIO ALARY, is the owner in fee simple absolute and severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing $91.1\frac{1}{2}$ varas in width from north to south and in length extending from the Rio Grande on the East and the Caja of the Rio Puerco on the West and bounded on the north by land claimed by Jose Manuel Montoya and on the south by land claimed by Agustin Alary; and which strip corresponds to strip No. 114 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, DOMINGO AIRA, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate and being within the Alameda Land Grant, bounded and described as follows to wit:

Containing 31 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Jose Pinna and on the south by land claimed by Jose Manuel Montoya; and which said strip corresponds to strip No. 116 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, JOSE PINNA AND CHARLES MARRA, are the owners in fee simple absolute and in severalty of the following described strips tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 61 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the West, and bounded on the north by land claimed by Agustin Parisi and on the south by land claimed by Domingo Aira; and which said strip corresponds to strip No. 117 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, AGUSTIN PARISIS, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing $91.1\frac{1}{2}$ varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Elias Martinez, and on the south by land claimed by Jose Pinna; and which said strip corresponds to strip No. 118 of the strips of land referred to in the Findings of Fact in said cause and the strips of land annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, ELIAS MARTINEZ, is

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the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 50 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Fernando Armijo and on the south by land claimed by Augustin Parisi; and which strip corresponds to strip No. 119 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, JUAN GARCIA AND SANTIAGO ARMILLO, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 200 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Alejandro Sandoval and on the south by land claimed by Alejandro Sandoval; and which said strip corresponds to strip No. 122 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, JOSE RAMON TENORIO, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 50.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Dolores Martinez de Gutierrez and on the south by land claimed by heirs of Mariano S. Otero; and which said strip corresponds to strip No. 127 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, JESUS TENORIO, is the owner in fee simple absolute and in severalty of the following strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 15 varas in width from north to south and in length to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Petra Tenorio, and on the south by land claimed by Guillermo Tenorio; and which said strip corresponds to strip No. 132 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, PETRA TENORIO, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 50 varas in width from north to south and in length extending from the Rio Grande on the east, to the Caja of the Rio Puerco on the west, and bounded on the north by land claim-

ed by heirs of Barbara Aragon and on the south by land claimed by Jesus Tenorio; and which said strip corresponds to strip No. 133 of the strips referred to in the findings of fact in said cause and the strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, CADELARIO SANTILLANES, is the owner in fee simple and absolute and in severalty of the following described strip, tract and parcels of land situate and being within the limits of the Alameda Land Grant bounded and described as follows:

A strip containing 15 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Benicio Martinez and on the south by land claimed by heirs of Barbara Aragon de Montoya; and which said strip corresponds to strip No. 135 of the list of strips referred to in the findings of fact in said cause and the list of strips hereto annexed and made a part of this decree.

A strip containing 2 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Jesus Maria Sandoval and on the south by land claimed by Benicio Martinez; and which said strip corresponds to strip No. 149 of the strips referred to in the findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 54 varas in width from north to south and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west and bounded on the north by land of heirs of Jose Lucero and on the south by land claimed by Jose Felipe Montoya; and which said strip corresponds to strip No. 152 of the list of strips referred to in the findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, BENICIO MARTINEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, Bounded and described as follows:

A strip containing 52 varas in width from north to south and in length extending from the Rio Grande on the East to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Santiago Gutierrez and on the south by land claimed by Candelario Santillanes; and which said strip corresponds to strip No. 136 of the list of strips referred to in findings of fact in said cause and in the list of strips annexed hereto and made a part of this decree.

A strip containing 12 1/2 varas in width from north to south, and in length extending from the Rio Grande on the east and the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Candelario Santillanes, and on the south by land claimed by Nestor Sanchez; and which said strip corresponds to strip No. 148 of the list of strips referred to in the findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, SANTIAGO GUTIERREZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, and bounded on the north by land claimed by Jose Felipe Montoya, and on the south by land claimed by Benicio Martinez; and which said strip corresponds to strip No. 137 of the list of strips referred to in the Findings of Fact in said cause and in the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, JOSE FELIPE MONTOYA, is the owner in fee simple absolute and in severalty of the following described strips, tracts and parcels of land situate within the limits of the Alameda Land grant bounded and described as follows:

A strip containing 35 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Gabriela Tenorio de Chavez, and on the south by land claimed by Santiago Gutierrez; and which said strip corresponds to strip No. 138 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 20 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Candelario Santillanes, and on the south by land claimed by Jesus Maria Sandoval; and which said strip corresponds to strip NO 151 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, EREMITA CHAVEZ, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant, bounded and described as follows:

Containing 18 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west and bounded on the north by land claimed by Jose Leandro Gallegos and on the south by land claimed by Jose Felipe Montoya; and which said strip corresponds to strip No. 139 of the list of strips referred to in the Finding of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, ELIAS MONTOYA, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 22.1/2 varas in width from north to south, and in length extending from the Rio Grande on the east to the Caja of the Rio Puerco on the west, and bounded on the north by land claimed by Elias Tenorio, and on the south by land claimed by Jesus Maria Sandoval; and which said strip corresponds to strip No. 143 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, ELIAS TENORIO, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land grant bounded and described as follows:

Containing 12.1/2 varas in width from North to South, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Salome Montoya, and on the south by land claimed by Elias Montoya, and which said strip of land corresponds to strip No. 144 of the strips referred to in the Findings of Fact in said cause and the strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the interveners, HEIRS OF JOSE LUCERO, are the owners in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

Containing 17 varas in width from north to south, and in length extending from the Rio Grande on the east to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Santiago Martinez and on the south by land claimed by Candelario Santillanes and which said strip corresponds to strip No. 153 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

It is further considered, adjudged and decreed that the intervener, Francisco Lucero y Chavez, is the owner in fee simple absolute and in severalty of the following described strip, tract and parcel of land situate within the limits of the Alameda Land Grant bounded and described as follows:

A strip containing 17 varas in width from north to south, and in length extending from the Rio Puerco on the east to the Ceja of the Rio Grande on the west, and bounded on the north by land claimed by Felicitas Montoya and on the south by land claimed by Severino Martinez; and which said strips corresponds to strip No. 155 of the list of strips referred to in the Findings of Fact in said cause and the list of strips annexed hereto and made a part of this decree.

A strip containing 20 varas in width from north to south, and in length extending from the Rio Grande on the East to the Ceja of the Rio Puerco on the west, and bounded on the north by land claimed by Jesus Maria Sandoval, and on the south by land claimed by Felicitas Montoya; and which said strip corresponds to strip No. 159 of the list of strips referred to in the Findings of fact in said cause and the list of strips annexed hereto and made a part of this decree.

The following is the list of strips referred to in the foregoing decree as annexed thereto and made a part thereof, to wit:-

No.	Name	Varas
1.	Rose Felipe Silva	100
2.	Santiago Sanchez, heirs (Tircio Bazan)	100
3.	Diego Sanchez, heirs	288
4.	Candido Gonzales	288
5.	Conrado A. Gonzales	288

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No.	Name	Varas
6.	Candido G. Gonzales	190
7.	Jose Antonio Montoya, heirs	100
8.	Anastacio Garcia,	40
9.	Noxola Chavez	70
10.	Jose Chavez	80
11.	Concepcion Trujillo de Sandoval	35.1/2
12.	Anastacio Garcia and Concepcion Trujillo de Sandoval,	45
14-14.	Felipe Candelaria, heirs (Melquiades Martinez y Griego)	50
15.	Juan Montoya	40
16.	Candido Gonzales	43
17.	Conrado A. Gonzales	42.1/2
18.	Mariano Gonzales	200
19.	Jose Gonzales y Montoya, heirs	92
20.	Jose Chavez	19
21.	Felix Tafoya y Gonzales	19
22.	A. brociom Garcia,	40
23.	Luz Silva de Gonzales	40
24.	Dinnicio Camacho	58
25.	Melquiades Martinez y Griego	48
26.	Andres Gallegos	57
27.	Alejandro Sandoval	112
28.	Victor Tafoya	7
29.	Florencio Gonzales, heirs	28
30.	Marcelina M. de Gonzales	56
31.	Toribio Armijo	28
32.	Rosa Salas de Gonzales	28
33.	Mariano Gonzales	28
34.	Antonio Jose Gonzales, heirs,	80
35.	Avelina Garcia de Gonzales, heirs (R.E.Heller, Beatrice Gonzales, de Heller, and Emiliano Sandoval.)	100
36.	Aniceto Armijo, heirs, (Trodila Gonzales, de Armijo)	56
37.	Candido G. Gonzales	222
38.	Jesus Garcia	50
39.	Juan Dominguez	84
40.	Antonio Ignacio Martinez	25
41.	Leonor Tenorio de Gonzales,	75
42.	Manuel Antonio Perea, heirs (Francisco Lucero y Montoya one)	80
43.	R. E. Heller, (Beatrice Gonzales de Heller)	43
44.	Guadalupe Armijo, Heirs (Guillermo Martinez, one)	22
45.	Mariano S. Oten, heirs	40
46.	Avenicio Perea (Successor to Vicenta Montoya)	34
47.	Rafaela Gutierrez de Gonzales,	70
48.	Guadalupe Gutierrez de Martinez	33
49.	Leopoldo Martinez	44
50.	Carlos Martinez	22
51.	Guadalupe Gutierrez de Matias, heirs	40
52.	Dolores Griego heirs,	60
53.	Alejandro Gonzales,	33
54.	Francisco Gonzales	38
55.	Julio Martinez	37
56.	Bonifacio Carrillo and Donasio Rivera	29
57.	Candido G. Gonzales,	13
58.	Adelaida Garcia	148
59.	Bernabe C. de Baca	15
60.	Donaciano Perea	15
61.	Louis Garcia	30
62.	Pomposa Griego	10
62.	Manuel Gonzales (and J. M. Sandoval)	37
64.	Abrian Perea,	60
65.	Jesus Perea,	60
66.	Jesus Maria Sandoval	33
67.	Jose Leandro Garcia	33
68.	Manuel Antonio Perea, heirs (Masario Perea, one)	50
69.	Epimanio A. Miera,	90
70.	Delfino Gutierrez	25
71.	Jose Leon Gutierrez,	30
72.	Federico Gutierrez	7
73.	Jose Felipe Silva	46
74.	Dolores Gutierrez de Tafoya heirs, (Adron Jones and Luis Tafoya)	18
75.	Erinea Cordova de Griego	60
76.	Ignacio Gutierrez	74
77.	Erinea Cordova de Griego	52
78.	Jose Leon Gutierrez	17
79.	Octaviano Lopez	34
80.	Jose Felipe Silva	30
81.	Pomposa Griego	30
82.	Pedro Perea, heirs, (Manuel Perea y Miera, one)	4)
83.	Lada Darras	95

No.	Name	Varas
84.	Jesus Maria Sandoval	70
85.	Jose Felipe Silva	60
86.	Nestor Gonzales	20
87.	Nieves Montoya de Sandoval, heirs (Jose Griego one of the heirs,)	44
88.	Tomas Montoya, heirs (Alvina Montoya de Sanchez one)	126
89.	Juan Cristoval Lopez	75
90.	Evaristo Griego	32
91.	Alvina Montoya de Sanchez	33
92.	Jesus Maria Gutierrez	32.1/2
92.1/2.	Jose Griego	32.1/2
93.	Secundino Sandoval	43
94.	Gertrudes Carrillo heirs, (Julio Montoya, one of the heirs)	44
95.	Alejandro Sandoval	40
96.	Rafael Maestas	60
97.	Angelo Salce, and Luis Salce	100
98.	Barbara Aragon, heirs, (Sisters of Loretto, Bernalillo N.M.)	215
99.	Jose Manuel Sanchez	20
100.	Petronillo Martinez	12
101.	Vicente Garcia	22
102.	Nicanor Martinez	18
103.	Eugenia Vernier	36
104.	Meliton Garcia	36
105.	Agustin Leal heirs (Valentin Leal one of the heirs)	60
106.	Alejandro Sandoval	109
107.	Jesus Maria Sandoval	109
108.	Jose Leon Gutierrez	50
109.	Teofilo Perea, Filomena Armijo de Perea,	50
110.	Alejandro Sandoval	100
111.	Jesus Maria Sandoval	109
112.	Alejandro Sandoval	82.1/2
113.	Augustin Alary	91.1/2
114.	Emilio Alary	91.1/2
115.	Jose Manuel Montoya,	91.1/2
116.	Domingo Aira	31
117.	Jose Pinna and Charles Harra	61
118.	Augustin Parisis	91.1/2
119.	Elias Martinez	50
120.	Bernardo Armijo	400
121.	Alejandro Sandoval	37.1/2
122.	Juan Garcia	200
123.	Alejandro Sandoval	113
124.	Francisco Garcia heirs (Waldo Garcia, one of the heirs)	30
125.	Alejandro Sandoval	30.1/2
126.	Mariano S. Otero	65
127.	Jose Ramon Tenorio	15
128.	Dolores Martinez de Gutierrez	25
129.	Jose Gutierrez de Chavez heirs (Petronillo Chavez, one of the heirs)	95
130.	Dolores Martinez de Gutierrez	25
131.	Guillermo Tenorio	8
132.	Jesus Tenorio	15
133.	Petra Tenorio,	50
134.	Barbara Aragon heirs (Sisters of Loretto, Bernalillo)	35
135.	Candelario Santillanes	15
136.	Benicio Martinez	42
137.	Santiago Gutierrez	20
138.	Jose Felipe Montoya	35
139.	Gabriela Tenorio de Chavez	18
140.	Leandro Garcia	37.1/2
141.	Victoriano Montoya heirs	37.1/2
142.	Jesus Maria Sandoval	30
143.	Elias Montoya	21
144.	Elias Tenorio	35
145.	Salome Montoya	10
146.	Juan Gallegos	30
147.	Benicio Martinez	12.1/2
149.	Candelario Santillanes heirs, (Juan Santillanes)	20
150.	Jesus Maria Sandoval	12
151.	Jose Felipe Montoya	20
152.	Juan Santillanes heirs (Candelaria Santillanes)	34
153.	Jose Lucero heirs (Francisco Lucero y Montoya, one of the heirs)	17
154.	Severino Martinez	34
155.	Francisco Lucero y Chavez	34
156.	Felicita Montoya	80
157.	Felix Montoya	20
158.	Juan Maria Montoya	10
159.	Francisco Lucero y Chavez	20
160.	Jesus Maria Sandoval	800

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said interveners above mentioned are entitled to have the tracts of land set off to them in the foregoing decree in severalty, free from all claim or claims of the plaintiff in this action and her co-tenants or their successors or assigns. And the said plaintiff, her co-tenants and their successors or assigns are enjoined and forever barred from claiming any right, title or interest in or to any of the said lands above described, whether under the decree of partition heretofore entered in this court or otherwise.

IT IS FURTHER CONSIDERED, ADJUDGED AND DECREED THAT THE judgment of the District Court in so far as it affects the rights of Candido G. Gonzales as represented by Exhibits 28, 28a, 28b and the rights of Francisco Lucero y Mortoya as represented by exhibits 65, 65a and 65b, be and the same hereby is reversed and this cause hereby is reversed to the said District Court for further proceedings as to the said mentioned tracts.

It is further considered, ordered and adjudged by the court that the said interveners do have and recover of and from the plaintiff their costs in this behalf expended to be taxed for which let execution issue.

No. 1-10 Territory of New Mexico, by its Attorney General, Frank W. Clancy, on the relation of J. J. Aragon, Appellant, vs The Board of County Commissioners of Lincoln County, New Mexico Appellee,) Appeal from District Court Lincoln County.

This cause coming on before the court upon a motion of Appellant herein for a Statement of Facts by the Court in the nature of a special Verdict, and to be granted an appeal from the judgment and decree of this Court to the Supreme Court of the United States of America, and the Court being sufficiently advised in the premises grants the same.

IT IS THEREFORE CONSIDERED AND ADJUDGED by the court that the Appellant herein do have and is hereby granted an appeal from the judgment and Decree of the Court to the Supreme Court of the United States.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the court that the following statement of facts be and the same hereby is found and made by this court as a Statement of Facts in this cause in the nature of a Special Verdict, to-wit:

The Supreme Court of the Territory of New Mexico, in the foregoing suit, makes the following findings of facts in the nature of a special verdict, to be used on appeal in the Supreme Court of the United States:

1. That on July 6th, 1909, a petition was presented to the Board of County Commissioners of Lincoln County in words and figures as follows:

" County Seat Petition. To the Honorable Board of County Commissioners of Lincoln County, Territory of New Mexico:

We, the undersigned qualified electors of the county of Lincoln, in the Territory of New Mexico, respectfully petition you to call an election and submit to a vote of the qualified electors of said Lincoln County the proposition to remove the county seat of said Lincoln County

to Carrizozo, a town situated on the El Paso and Southwestern Railroad".

Which was the only petition presented to said Board.

2. Said petition was signed by at least one-half of the qualified electors of Lincoln County as shown by the last general election in said county.

3. That at the time said petition was presented to the Board, the Board of County Commissioners of Lincoln County received and accepted a good and sufficient deed to block 8 of the town of Carrizozo, which block contained more than three-quarters acre of land for the site of the court house and jail at Carrizozo,

4. On the 7th day of July, 1909, the Board of County Commissioners of Lincoln County, based on said petition above set out, called an election to be held on the 17th day of August, 1909, which order calling such election was in words and figures as follows:

"A petition having been presented to the Board of County Commissioners of Lincoln County, New Mexico, signed in number to at least one-half of the legal votes cast at the last preceding general election in said county, asking for the removal of the county seat of said county to Carrizozo, in said county, and that question of such removal be submitted to a vote to the qualified electors of said county.

And the Board finds that the said town of Carrizozo is more than twenty miles from the present county seat of said County. The Board further finds that the original cost of the construction of the Court house and Jail of said County was less than thirty thousand dollars as shown by the records of the Board of County Commissioners of said county. And a conveyance having been made by the Carrizozo Townsite Company to this county, covering Block Eight in said town of Carrizozo, said Block eight containing, as shown by the plat of said town, not less than three-fourths of an acre, which said conveyance is hereby accepted. This Board further finds that said town of Carrizozo is situated upon a line of railroad and that the present county seat of said Lincoln County is situated off the line of railroad.

Now, therefore, in pursuance of the prayer of said petition and in accordance with the facts so found and with the statutes in such case made and provided, it is hereby ordered and directed that an election of the qualified electors of Lincoln County, New Mexico be held in each of the precincts of said county on the 17th day of August 1909, and at said election the tickets to be voted shall contain: "For County Seat _____" with the name of the place for which the voter desires to cast his ballot, either printed or written thereon, such ballots shall be canvassed as in elections for County Officers and the returns of such election shall be certified by the Probate Clerk to the Territorial Secretary together with a certified copy of the order of the County Commissioners and a sworn certificate of the publication thereof, to be filed in the office of the Secretary."

5. That no registration of said electors was ordered to be had or was had prior to said election for said election.

6. That an election was held on the 17th day of August, 1909 under the provisions of said order; that at said election 900 votes were cast for Carrizozo and 613 votes for Lincoln

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coln, giving a majority of 287 votes for Carrizozo.

7. That thereafter, and on the 23rd day of August, 1909, the votes cast at said election were canvassed by the Board of County Commissioners and the return certified to the territorial Secretary. That on the same date the Board of County Commissioners issued an order based upon said election returns changing the county seat from Lincoln to Carrizozo. That said order was published for four consecutive weeks.

8. That, thereafter, the Board of County Commissioners issued and sold twenty-eight thousand dollars of bonds of Lincoln County for the purpose of raising money to construct a new court house and jail at Carrizozo.

9. That after the sale of such bonds the Board of County Commissioners entered into a contract for the construction and erection of such court house and jail, and until the construction thereof was stopped by the injunction in Cause #1980, wherein Jacobo J. Aragon was the plaintiff, and the defendants in this case, together with one Ben Betzhel were the defendants, up to which time the construction thereof was proceeding and the Board of County Commissioners were paying out various sums under the provisions of said contract.

10. That the matters and things done and performed by the Board of County Commissioners, as set out in the foregoing findings No. 1 to 9 inclusive, were done and performed by the said Board of County Commissioners in an effort on their part to comply with the provisions of Chapter 80 as printed in the official copy of the Session Laws of the New Mexico Legislature of 1909. That Chapter 80 as printed in the official copy of the Session Laws of the New Mexico Legislative Assembly, 1909, is the original council bill #86 as it passed both houses of the legislature. That said act was introduced in the Legislature, in the council thereof, on the 17th day of February, 1909, as a bill entitled an "Act relating to the changing of County Seats", and that said bill on file in the office of the Secretary of the Territory is the original bill introduced into the Legislative Council as above stated. That said bill was never enrolled or engrossed but was used as the original for Chapter 80. That said original of Chapter 80 as printed in the official copy of the Session Laws of the New Mexico Legislature of 1909, as it appears in the office of the Secretary of the Territory on the 6th day of March, A. D. 1911, did not bear the signature either of the President of the Council or the Speaker of the House of representatives, nor does it bear the signature of the Governor of the Territory or the approval of the Governor of the Territory, but shows thereon that it was filed in the office of the Secretary of New Mexico on the 18th day of March, 1909, at 3 p.m., said date being the date of final adjournment of the Legislature of 1909.

That said bill as filed in the office of the Secretary does now show when the same was received by the Governor, nor does it show that said bill was ever received by the Governor.

Each and every one of which findings of fact were made by the trial court and the same were objected to by the plaintiff and said objection overruled and exception taken.

This court further finds that a duly authenticated copy of the said original Council Bill No. 86, which is the original file of Chapter 80 of the printed statutes of the Legislature of 1905, together with all the endorsements thereon, was introduced in evidence on the trial of

said cause, and the court finds the said certified copy of the same and all of the endorsements thereon to be in words and figures following, to-wit:

COUNCIL BILL No. 86

Introduced by Mr Navarro.

A N A C T

ENTITLED "AN ACT RELATING TO THE CHANGING OF COUNTY SEATS."

Be it enacted by the Legislative assembly of the Territory of New Mexico: ;

Section 1-- That Chapter 172 of the Session Acts of the Legislative Assembly for the year 1905, approved March 16, 1905, be, and the same hereby is repealed.

Section 2-- That Section 630 of the Compiled Laws of the Territory of New Mexico of 1907, be, and the same is, hereby amended so as to read as follows:

'Sec. 630. Whenever the citizens of any county in this Territory shall present a petition to the Board of County Commissioners, signed by qualified electors of said county, equal in number to at least one-half of the legal votes cast at the last preceding general election in said county, asking for the removal of the county seat of said county, to some other place, which petition shall be duly recorded in the records of said county, said board shall make an order directing that the proposition to remove the county seat to the place named in the petition be submitted to a vote of the qualified electors of said county at the next general election, if the same is to occur within one year of the time of presenting said petition, otherwise at a special election to be called for that purpose at any time within two months from the date of presenting said petition; provided: that whenever it is proposed to remove a county seat of any county which has public buildings consisting of a county house and jail, the original construction of which cost said county more than the sum of thirty thousand dollars (\$30,000.00) such costs to be ascertained from the records of the Board of County Commissioners of said county, then before said board of commissioners shall make such order, on submitting such proposition to remove the county seat, the qualified voters of said county, shall require from the petitioners or the persons interested in the removal of said county seat a deposit of forty thousand dollars (\$40,000.00) in money, which said deposit shall be placed in the treasury of said county, which said sum of money when so placed in said treasury shall be used in the construction of a court house and jail in the event that the proposition for the removal shall receive a majority of the votes cast at such election, but such deposit shall not be required as a condition precedent to submitting such proposition for the removal in counties which have no court house and jails, the cost to the county of which, as ascertained from the records of said county commissioners is less than said sum of thirty thousand dollars (\$30,000.00) as aforesaid; but the same shall be required in all cases when it is proposed to remove a county seat from a point situated on a railroad to another point also so situated; provided further, that the city, town, village, or place named in the petition to which it is proposed to remove said county seat shall be at least twenty miles distant from the then county seat of said county and said petitioners or persons interested in the removal of said county seat shall cause to be conveyed to said

county, by a good and perfect title, in the event that the proposition for the removal shall receive a majority of the votes cast at such election, sufficient suitable land to be accepted, if containing as much as three-fourths of an acre for court house, jail and other buildings for such county, the deed for which shall be filed with and accepted by the Board of County Commissioners before calling said election, which deed to be delivered to the grantor herein named in case said proposition to remove said county seat fails to receive a majority of the votes cast at such election, and that no proposition to remove a county seat from a city, town, village or place, situated on a railroad, to one not so situated, shall be entertained or voted upon, and that no vote shall be ordered on substantially the same proposition more than once in ten years."

Section 3-- This act shall be in force and effect from and after its passage and all Acts and parts of Act in conflict herewith are hereby repealed.

EN DO F C E D.

Chen. 4. 38th Legislative Assembly. Council Bill No. 86. Introduced by Navarro. 17th day of Feb. 1909. An Act entitled An Act Relating to the changing of County Seats. Read first time, read second time, ordered printed and referred to the Committee on Co. & Co. Lines.

Delivered to Translator----- 1909 Returned to Translator ----- 1909
Delivered to printer, 2.17 ----- 1909; Returned to Printer Feb 23 1909-----1909
Delivered to Committee Feb 23, 1909-----1909 Reported to Council by Committee on the 25 day of Feb 1909 with recommendation that it be amended report & amendments adopted and bill taken up for consideration, read third time preparatory to its passage, placed on its passage and duly passed. (Signed) Wm. F. Brogan, Chief Clerk Council.

3.11 Read Read third time in preparation to its passage; placed upon its passage & duly passed; (Signed) E.H. Salazar, Chief Clerk House. Received from H. as duly passed & Properly enrolled and engrossed (Signed) Wm. F. Brogan, Chief Clerk Council.

Com. on Finance

3/3 Read first and second time by title and referred to the Committee on Finance Del to Com.

3/4 . . .

FILED IN OFFICE OF SECRETARY OF NEW MEXICO MAR 18 1909 3PM

Nathan Jaffe, Secretary.

TERRITORY OF NEW MEXICO. OFFICE OF THE SECRETARY.

Miscellaneous Certificate

I, Nathan Jaffe, Secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office, at 3 o'clock P. M. on the 18th day of March A.D., 1909, the original Council Bill No. 86 as it passed both Houses of the Legislative assembly of New Mexico at a session of 1909; that no engrossed or enrolled copy thereof was or ever has been filed in this office; that said original bill was used as the original for Chapter No. 80 of the Session Laws of that session, and no other copy was used therefor.

I further certify that I have compared the following annexed copy with said original on file

in my office and declare it to be a correct transcript of the whole of said original reports
80, as consisting of Council Bill No. 86, and the whole thereof, including all of the endorse-
ments thereon.

Given under my hand and the great Seal of the Territory of New Mexico

(SEAL)

at the city of Santa Fe, the Capital, on the 5th day of March

A. D., 1911

Nathan J. Pope,

Secretary of New Mexico.

No.
1362

R. E. Putney,

Appellant,

vs

Franz Schmidt, et al, et al.

Appellees,

) Appeal from District Court, Bernalillo County.

This cause coming on before the court upon the motion of appellant herein for further
time within which to file a motion for rehearing herein, and the court being sufficiently
advised in the premises grants said motion. It is therefore considered and adjudged by the
court that the appellant herein do have until the fifteenth day of October A.D., 1911 within
which time to file motion for rehearing herein.

No. 1393

J. D. Lyons,

Appellant,

vs

Thomas Howard et al, a co-partnership,

Appellees,

) Appeal from District Court Curry County.

This cause coming on before the court upon the motion of appellees herein for an additio-
nal attorneys fee in this court, and the court having been sufficiently advised in the pre-
mises grants the same. It is therefore considered and adjudged by the court that the appel-
lees do have and recover of and from the appellant as heretofore adjudged and decreed and the
additional sum of fifty dollars as additional attorneys's fee in this court.

It is ordered that the court do now adjourn until Monday November 27th, A.D., 1911 at
two o'clock P. M.

Nathan J. Pope

Chief Justice etc.

Thirty-fifth

Day,

Monday November 27th, 10

A. D.

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Thirty-fifth Day, Monday, December, 27th, A. D., 1911

Court met pursuant to adjournment.

Present Hon William H. Pope, Chief Justice

Hon. John R. McMe, Associate Justice

Hon. Frank W. Parker, Associate Justice

Hon. Ira A. Abbott, Associate Justice

Hon. Merritt C. Mechem, Associate Justice

Hon. Clarence J. Roberts, Associate Justice

Hon. Edward F. Wright, Associate Justice

David J. Leahy, United States Attorney

Frank W. Clancy, Attorney General

C. M. Foraker, United States Marshal

Jose D. Sena, Clerk.

Minutes of Friday, September first A. D., 1911, were read and approved.

No.	John H. McKnight,		)	
1403		Appellee,	)	
	vs		)	Appeal from District Court Dona Ana County.
	El Paso Brick Company,		)	
		Appellant,	)	

It is ordered by the court that this cause be and the same hereby is continued for the term, upon the stipulation of counsel.

No.	Territory of New Mexico,		)	
1433		Appellee,	)	
	vs		)	Appeal from District Court Chaves County.
	Richard C. Graves,		)	
		Appellant,	)	

It is ordered that this cause be and the same hereby is set for hearing for Friday December first, 1911

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

William H. Pope
Chief Justice

Thirtysixth day. Tuesday, November 28th, A.D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

John R. Meice

It Is ordered by the court that Mr Millet Clancy be and ~~the~~ hereby is appointed bailiff during this session of the Court, whereupon he appeared in open court and ~~was~~ ^{was} duly sworn as such.

No. 1354 In the matter of the last will and testa-)
ment of Sarah Ellen Dye, deceased, Isiah)
Dye, Executor, Appellee,)
vs)
Ora Butler Meice,)
Appellant,)
Appeal from District Court, Bernalillo County

This cause coming on before the court upon the motion of Appellee, herein for a rehearing is this cause, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for a rehearing herein by appellee be and the same hereby is denied@

No. 1327 United States of America,)
vs Appellee,)
George Snell,)
Appellant,)
Appeal from Fourth Judicial District Court

Now comes the appellant herein and states to the court that he will no longer prosecute his said appeal, but dismisses the same? It is therefore considered and adjudged by the court that the appeal in the above entitled cause be and the same hereby is dismissed at appellant's cost@

No. 1425 Geo A. Davisson, Plaintiff, and Etta Owen)
Defendant Appellees, vs. Citizens National)
Bank of Roswell, appellant)

It Is ordered by the court that this cause be and the same hereby is set for hearing for Tuesday December 5th, 1911.

No. 1437 The Community Ditches or Acequias of Tula)
rosa, townsite a corporation, Appellant,)
vs)
The Tularosa Community Ditch, W.D. Tipton)
et al Appellees,)
Appeal from District Court Otero County.

It is ordered by the court that this cause be and the same hereby is set for hearing for Monday December, 4th, 1911

Thirty-sixth

Day,

Tuesday, November 28th

A. D.

1911

No.
1325Vicente Montoya, Plaintiff, vs Unknown heirs)
of Francisco Montes Vigil, deceased, et al)
defendants Appellants,)vs
Candido G. Gonzales et al.,)

Appellees,)

Appeal from District Court Bernalillo County

This cause coming on for hearing upon the motion of appellants for rehearing and the court being sufficiently advised in the premises, grants a rehearing herein upon the question of the constitutionality of the act as set forth in the said motion for rehearing. It is therefore considered and adjudged by the court that the motion for a rehearing in the above entitled cause upon the question of constitutionality of the statute hereby is granted and the same is set for hearing for Friday December 1st, 1911

In re Francis T. Cheetham

Now comes Francis T. Cheetham, and having been heretofore admitted to the bar of this court, appears in open court and is duly sworn and subscribes to the roll.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,
Chief Justice Etc.

Thirty-seventh Day, Wednesday, December 29th, 1911.

Court met pursuant to adjournment

present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1446	Territory of New Mexico,	)	Appeal from District Court Roosevelt County.
	vs		
	S. L. Boone,		
	Appellee,	)	
	Appellant,		

Now comes Hon. Frank W. Clancy, Attorney general for the Territory of New Mexico, and moves the court to docket the above entitled cause and affirm the judgment of the court below, for failure of the appellant to perfect his said appeal within the time prescribed by law, and the Court being sufficiently advised in the premises, grants said motion. It is therefore considered and adjudged by the court that this cause and the same hereby is ordered docketed and the judgment of the District Court in and for the county of Roosevelt whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered ordered and adjudged by the court that the said appellant S. L. Boone do make unto the Territory of New Mexico, a fine in the penal sum of One Hundred (\$100.) Dollars, that he pay the costs of this prosecution to be taxed and that he stand committed until such fine and costs are fully paid and

It is further ordered by the court and it is the judgment and sentence of the Court that the defendant S. L. Boone, be remanded to the custody of the sheriff of Roosevelt County to be by him confined in the county jail for the full period of thirty days from and after the date of the commitment hereunder.

It is ordered by the court that the jail sentence and the fine and costs herein is suspended until the further order of this court.

No. 1435	Territory of New Mexico	)	Appeal from District Court Taos County.
	vs		
	Jose Refugio Lucero,		
	Appellee,	)	
	Appellant,		

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by A. B. Renahan, Esq for appellant and F. W. Clancy, Esq., for appellee and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until Friday Morning December First at ten o'clock A. M.

William H. ...

Chief Justice etc.

Thirty-eighth

Day,

Friday, December, 1st

A. D.

1917

Thirty-eighth Day, Friday, December 1st, A.D., 1911

Court met pursuant to adjournment.

Present as upon Wednesday,

Record of Wednesday's proceedings is read and approved.

No.	John H. McKnight,	)	
1403	vs	)	
	El Paso Brick Company,	)	Appeal from District Court Dona Ana County.
		)	
	Appellant,	)	

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by John Franklin, Esq and W. A. Hawkins, Esq for appellant and E. C. Wade, Jr and Eugene S. Ives, Esq. for appellees, and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement;

No.	Territory of New Mexico,	)	
1447	vs	)	
	Joseph Wiggins,	)	Appeal from District Court San Miguel County.
		)	
	Appellant,	)	

Now comes the Territory of New Mexico by Hon Frank W. Clancy, its attorney General, and moves the court here to Docket the above entitled cause and affirm the judgment of the court below, for failure of the appellant to perfect his said appeal within the time prescribed by law, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged that the above entitled cause hereby is ordered Docketed. It is further ordered and adjudged by the court that the judgment of the District Court in and for the county of San Miguel, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith It is therefore considered and adjudged by the court that the appellant Joseph Wiggins, be, and he hereby is remanded to the custody of the sheriff of San Miguel County, New Mexico, until such time as said sheriff can conveniently convey the said appellant to the Territorial Penitentiary, situate at Santa Fe, New Mexico, and there deliver him to the Warden thereof, the said Joseph Wiggins to be confined and imprisoned in said Penitentiary for the period of not less than seven years nor more than twelve years, commencing with this day and that warrant of commitment issue against him in said action.

No.	Territory of New Mexico	)	
1448	vs	)	
	Charles L. Parsons,	)	Appeal from District Court Chaves County.
		)	
	Appellant,	)	

Now comes the Territory of New Mexico, by its Attorney General, Hon Frank W. Clancy, and moves the court here to docket the above entitled cause and affirm the judgment of the court below for the failure of the appellant to perfect his said appeal within the time prescribed by law. And the Court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that this cause be and the same hereby is ordered docketed, and It is further ordered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court, be and

the same hereby is affirmed and that in accordance therewith, It Is considered and adjudged by the court that the said appellant Charles L. Parsons, do make unto the Territory of New Mexico, a fine in the penal sum of \$25.00, that he pay the costs of this prosecution to be taxed, and that he stand committed until such fine and costs are fully paid, and

It Is further considered adjudged and decreed by the court that the said appellant Charles L. Parsons, be remanded to the custody of the sheriff of Bernalillo County, to be him confined in the county Jail of said County for the full period of thirty days from and after the date of the commitment

No.1359 Richard DiPalma, and Bernard Dupre,)
Appellees,)
vs) Appeal from District Court Bernalillo County.
J. A. Weinman and Joseph Barnett,)
Appellants)

This cause coming on before the court upon the motion of appellees herein for a rehearing herein, and the court having had said motion under advisement denies the same. It Is therefore considered and adjudged by the court that the motion for rehearing, herein be and the same hereby is denied.

It Is further ordered and adjudged by the court that the appellee do have ten days from this day to pay the remittitur heretofore ordered, if he should so elect.

No.1325 Vicente Montoya, Plaintiff vs Unknown)
Heirs of Francisco Montes Vigil, deceased)
et al, Defendants Appellants,)
vs) Appeal from District Court Bernalillo County.
Candido G. Gonzales, et al.,)
Appellees,)

This cause coming on for hearing upon the question of the constitutionality of the act envolved herein by order of the court, upon the transcript of record assignment of errors and briefs of counsel, is argued by A. B. McMillen, Esq. for appellants and George S. Klock Esq. and Antonio A. Sedillo, Esq. for Appellees, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

J. J. ...
Chief Justice etc.

Record of yesterday's proceedings is read and approved.

Mary E. Collins,
No. 1386 vs Julia Schump, et al.,
Appellants, Appellees.

)
)
)
)
)
)

Appeal From District Court Quay County.

This cause coming on before the court upon the motion of appellees herein to dismiss the above entitled cause, and the court having had said motion under advisement and being sufficiently advised in the premises denies said motion. It is therefore considered and adjudged by the court that the motion of appellee herein to dismiss be and the same hereby is denied and overruled.

No. Henry Lockhart,)
1218 - vs Appellee,)
The Washington Gold & Silver Mining Co. et al) Appeal from District Court Bernalillo County.
Appellants,)

This cause coming on before the court upon the motion of appellants herein heretofore filed for findings of fact by this court in the nature of special ^{verdict} findings, and the court having had said motion under consideration and being now sufficiently advised in the premises ~~makes~~ the following statement of facts in the nature of a special finding:

It is therefore considered and adjudged by the court that the following statement of facts is hereby adopted and made by this court in the nature of a special verdict to-wit;

I.

On the 7th day of May, 1893, the defendant, Charles Pilkey, entered into a contract in writing with Henry Lockhart, the plaintiff, and one Benjamin Johnson, whereby said Lockhart and Johnson were to furnish certain provisions, supplies, money and tools to said Pilkey during the term of said contract, which was one year from the date thereof. By the terms of said contract, and for the consideration therein named, the said Pilkey was to prospect for, discover and duly locate, under and in accordance with the mining laws of the United States and of the Territory of New Mexico, in the joint names, and for the joint benefit, of said Lockhart and Johnson the said Pilkey, and veins, lodes, ledges or deposits of mineral bearing rock containing precious metals that might be found by said Pilkey in a certain designated portion of Bernalillo County, New Mexico, during the term of said contract. Pilkey was to furnish to said Lockhart and Johnson samples of ore taken from any vein of mineral discovered and appropriated under said contract, in order that its value might be determined; and any fraud by Pilkey was to forfeit, his share, which was to be one-third in any mine discovered and located.

II.

In pursuance of said contract, Pilkey did, on the 10th day of July, 1893, in said designated section of Bernalillo County, discover, on the open, unappropriated public mineral lands of the

United States, a certain vein, lode, ledge or deposit, of mineral bearing rock in place, bearing gold and silver, and did then and there enter into the possession of and appropriated the same, together with the lawful surface ground, for the benefit of, and in the name of said Lockhart and Benjamin Johnson and himself, the said Pilkey, and did post thereon, in accordance with law, the said vein and surface ground being then open, unappropriated mineral land of the United States, a location notice of the same as a mining claim, duly signed by the said Lockhart, Johnson and Pilkey as locators, and named and known as the Sampson Mine. And said Pilkey commenced to do the preliminary work on said Sampson claim required by law to be done on mining claims within ninety days from the location of the same, but did not finish such work.

III.

And thereafter, and prior to the completion of the preliminary work and requirements necessary to perfect said Sampson Location, and prior to the expiration of the time limited by law within which a discovered and appropriated vein of mineral, together with the surface ground, is required to be perfected as to its location by disclosing mineral in place in the vein or deposit at least ten feet below the surface of the ground, by staking and monumenting said claim or location, and by recording a copy of the posted notice of location in the proper office, the said Pilkey conspired and confederated with the said defendants, Levi Walker, and Frank Fagaly, to defraud said Lockhart, the plaintiff, and Benjamin Johnson of their interest in and title to said Sampson mining claim, and fraudulently and secretly, without the knowledge or consent of said Lockhart and Benjamin Johnson, to acquire and vest in themselves the title of and interest in said Sampson mining claim. The said Pilkey, by the terms of said fraudulent conspiracy, was to secretly, and without the knowledge or consent of said Lockhart and Johnson, fail and neglect to complete the preliminary requirements necessary by law to be completed within ninety days from the date of the location of said claim, and to permit said claim to be forfeited and to become public domain, and was to deliver possession of said claim and vein and surface ground in due time to his said co-conspirators, so that the legal title to the same might be secretly acquired by the parties to said conspiracy.

IV.

Subsequently to the formation of said fraudulent confederation and conspiracy on the part of said Pilkey, Walker and Fagaly, but prior to the 10th day of October, 1893, or the expiration of ninety days from the location of said mining claims, and during the progress of said confederation and conspiracy, the said defendants, H. C. Lewis, J. A. Q. White, and J. Johnson by J. A. Johnson, her husband, and agent in this transaction, entered into an agreement with said Pilkey, Walker and Fagaly, by which they undertook to furnish money and other assistance, and did so furnish such money and other assistance, to them, the said Pilkey, Fagaly and Walker, for the purpose of locating and perfecting mining claims in the district in which said Sampson Claim was located, for the benefit and as the property of the above named parties to said agreement; and particularly what was represented to them

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by the said Pilkey, Walker and Fagaly as a rich mineral deposit, which was in fact the Sampson claim, although it was not affirmatively established by the evidence that its name was then made known to them, or that they had actual knowledge of the rights of the said Lockhart and Benjamin Johnson in the premises before the completion of the conspiracy. October 23, 1893, by posting of the location notice of the Washington Mine on the Sampson claim. And thereby they authorized the said Pilkey, Walker and Fagaly to use their names in location notices and in their behalf to do all the acts necessary to locate and perfect mining claims in said district, including said Sampson claim.

V.

In pursuance of said fraudulent conspiracy, the said Pilkey concealed from said Lockhart and Benjamin Johnson what he knew as to the value of said Sampson claim, and especially what he and his co-conspirators, actual and constructive, knew in relation to the result of an assay of certain samples of ores, which in September, 1893, he and said Fagaly took from said Sampson claim, without the knowledge or consent of said Lockhart and Benjamin Johnson, and which assay indicated great value in said Sampson vein or lode; and concealed all things touching said conspiracy, its existence, purpose and progress, and with the knowledge of his said co-conspirators, actual and constructive, failed and neglected to do and perform the acts and requirements prescribed by law, above mentioned, in order to perfect said Sampson location, and failed and neglected to have recorded, as required by law, a copy of said posted location notice of said Sampson mining claim.

VI.

The said plaintiff and Benjamin Johnson, fully performed the said contract, dated May 7th, 1893, on their part, except so far as they were prevented by the said Pilkey from so doing, and were ready and willing to perfect said Sampson mining location within the time limited by law, and to prevent its forfeiture by completing the necessary legal requirements, and would have done so prior to the expiration of the time limited by law but for the wrongful, fraudulent and unlawful acts and concealments of said conspirators; and would have resumed possession, after the expiration of said time, for the purpose of completing said requirements, and thus preventing the forfeiture of said mining claim, but for the adverse possession of the same by said conspirators.

VII.

On or about the 10th of October, 1893, and prior to the 23rd of October, 1893, said Pilkey, in pursuance of said fraudulent conspiracy, delivered said Sampson mining claim, and said vein and surface ground comprising the same, without the knowledge or consent of said plaintiff and Benjamin Johnson for the benefit of all of them, and placed them in complete possession of the same; and thereafter, on the 23rd day of October, 1893, said Frank Fagaly, being so in possession of said Sampson mining claim for himself and for and on behalf of his co-conspirators, H. C. Leeds, J. A. Johnson, Julia Johnson, Levi Walker, Charles Pilkey and James Q. Willis, did post a location notice on said vein and surface ground previously located as the Sampson, and in said location notice named the same Washington mining claim, and signed to said location the

names of four of said conspirators, viz, H.C. Leeds, J. Johnson, Levi Walker and Frank Wagaly but the actual, beneficial ownership in said Washington Mining claim, as agreed and understood between said conspirators prior to and at the time of said location was as follows:

S. Said Levi Walker was to hold the legal title to two-fifths, one-fifth for himself and one-fifth in secret trust for said Charles Pilkey; said H.C. Leeds, said J. Johnson and said Wagaly were each to hold the legal title to one-fifth, but each to so hold only three-twentieths for himself, and each to hold one twentieth in secret trust for said James Q. Wills.

VIII.

Said Benjamin Johnson duly conveyed his interest in said vein and surface ground and Sampson mining claim to plaintiff, Henry Lockhart, prior to the institution of this suit.

IX.

One T. S. Austin has acquired, since the institution of this suit, an interest with and under said plaintiff in said Sampson mining claim.

X.

All of said original defendants, Levi Walker, Frank Wagaly, H. C. Leeds, J. A. Johnson, Julius Johnson, Charles Pilkey, and James Q. Wills, hold their respective interests in said Washington Mining claim and location at the time of the institution of this suit, and by various conveyances and mesne conveyances and the operation of law and title of each and every of said last named defendants, has become, pendente lite and with knowledge, vested in the defendants, the Washington Gold and Silver Mining Company, a corporation and M. P. Stamm.

XI.

The Court further finds that the evidence fails to show that Pilkey executed any secret instrument, conveying or transferring any interest in the Sampson mine to the Locators of the Washington mine or any of them as alleged in plaintiff's second amended complaint.

XII.

The Court further finds that the evidence fails to show that Pilkey was induced by the locators of the Washington mine, or any of them, to cover up and conceal any work done upon the Sampson mine.

XIII.

The evidence by preponderance established the fact that after the location notice of the Sampson had been posted and about the 20th of August 1893, Pilkey gave a copy of the location notice to the plaintiff.

William H. Pope,

Chief Justice.

No. 1218	Henry Lockhart,	)	
	Appellee,	)	
	vs	)	
	Washington Gold & Silver Mining Co. et al	)	Appeal from District Court Bernalillo County.
	Appellants,	)	

This cause again coming on before the court upon the motion of H.B. Fergusson Attorney for appellant, asking the court to approve the deed of conveyance in the above entitled

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cause to the property therein involved as made and executed by John Venable, duly appointed commissioner of this court to execute the said deed, and the court being sufficiently advised in the premises approves the said deed as follows to-wit:

THIS INSTRUMENT, made this 24th day of November, 1911, by and between John Venable, a duly appointed Commissioner of the Supreme Court of the Territory of New Mexico, party of the first part and Henry Lockhart, of Albuquerque, New Mexico, party of the second part.

WITNESSETH: Whereas, on the 4th day of March, 1911, in the case of Henry Lockhart vs Washington Gold and Silver Mining Company, a corporation, and Martin P. Stamm, there was entered a final decree by the Supreme Court of the Territory of New Mexico, which said final decree is in words and figures as follows, to-wit:

"This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justices Meade, Wright and Mechem concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the appellee, Henry Lockhart, was and now is the equitable owner of said vein and surface ground and mining claim and the gold and silver ores therein contained, and is equitably entitled as against the said defendants, to the possession and enjoyment of the same; that the said Pilkey, under said agreement with plaintiff and said Benjamin Johnson, forfeited all right or interest in said vein and surface ground and mine, by reason of his participation in said fraudulent conspiracy, and that plaintiff is the owner of, and equitably entitled to such interest, and that said defendants acquired and hold possession of, and the legal title to, the same under the name and designation of the Washington Mine, in fraud of the right of the plaintiff therein and thereto, and that they are equitably the holders of such possession and legal title as trustees ex-maleficio for the use and benefit of the said plaintiff:

And it is by the Court further ordered, adjudged and decreed that the said defendants, the Washington Gold and Silver Mining Company by its proper officers, and in due form, and the said M.P. Stamm, in due form, execute a good and sufficient conveyance of the said Washington Mining Claim to the said plaintiff, Henry Lockhart, and return the same into this court within sixty days from the signing of this decree, to be approved by the court and delivered to said plaintiff; and that the said last named defendants, upon the delivery of said deed to said plaintiff, deliver also to the said plaintiff possession of said Washington Mine and Mining Claim; and in case of failure of said defendants to execute said deed of conveyance, as herein ordered, then and in that event, John Venable, former clerk of the District Court, is hereby appointed a commissioner of this court for the purpose of executing such deed of conveyance vesting legal title of and to said Washington Mine, by virtue of this decree in said plaintiff, Henry Lockhart; the said John Venable, Esq. Commissioner aforesaid is directed and empowered to execute such deed of conveyance and return the same into this Court to be approved as to form and sufficiency."

AND WHEREAS, the said Washington Gold and Silver Mining Company, and the said M. P. Stamm, have failed and neglected to make such deed of conveyance to the said Henry Lockhart, as provid-

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ed in said decree of the Supreme Court of New Mexico, within the sixty days allowed therefor

N O W, T H E R E F O R E, I John Venable, As commissioner of the Supreme Court of The Territory of New Mexico, in consideration of, in execution of, and pursuant to the order of the Supreme Court of the Territory of New Mexico, on behalf of the said Washington Gold and Silver Mining Company, and H. P. Stamm, do hereby grant, bargain, sell and convey, and by these presents have granted, bargained, sold and conveyed unto the said party of the second part, Henry Lockhart, and to his heirs and assigns forever, the following described property:

A certain mine and mining claim, known as the Washington Mine, located in the Cochiti Mining District, in the County of Sandoval, Territory of New Mexico, and described as follows: Beginning at a post No.1 erected on said lode, lead and deposit, said post being the north-end center monument of this claim, and being the center of the north line of said claim, marked north-end center post; thence east three hundred feet (300ft) to the north-east corner post No.2, marked "north-east corner post"; thence south fifteen hundred (1500) feet to post No. 3, south-east corner post, marked "south-east corner post"; thence west three hundred (300) feet to post No. 4, marked "south-end center post"; thence three hundred (300) feet to post No. 5 marked "south-west corner post"; thence north fifteen hundred (1500) feet to post No.6, marked "north-west corner post"; thence east three hundred (300) feet to the place of beginning. Said claim being about two miles north of Peralta Mountain. The said mine or mining claim is located in the said Cochiti Mining District about fifteen hundred feet in a southeast direction from a big pine tree marked with a blaze. The location notice of said mining claim was signed by F. Fageley, Lee Walker, H. C. Leeds and J. Johnson, and which is recorded in Book "E" page 576 of mining records in the office of the said Probate Clerk and Ex-Officio Recorder of Bernalillo County, New Mexico, reference to which is hereby made for a better description of said mine or mining claim. For a more particular description reference is made to a patent to said ground which has been issued by the United States and which is on record in the Patent Office in Washington, D. C. Together with all the leads, lodes, veins, dips sprs and angles and also all the metals, ores, rock and earth therein contained; and all the rights, privileges and franchises thereto incident, appendant and appurtenant, and therewith usually had and enjoyed; and also all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any-wise appertaining.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, and privileges thereto incident, unto the said party of the second part, his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written

(Signed)

John Venable

(SEAL)

Territory of New Mexico,)
) ss
 County of Bernalillo)

On this 24th day of November, 1911, before me, a Notary Public in and for the County

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Bernalillo, New Mexico, personally appeared John Venable, Commissioner of the Supreme Court of New Mexico, to me personally known to be the person whose name is signed to the foregoing deed, and acknowledged to me that he, as such Commissioner aforesaid, executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written. (SEAL) (Signed) R. H. Crews,

My Commission expires Dec. 5th, 1911

Notary Public

No.	Territory of New Mexico Ex Rel, W.P. White,	)	
1412	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	J. G. Riggle, Probate Clerk, etc.	)	
	Appellee,	)	
No.	Territory of New Mexico Ex Rel. W.P. White,	)	
1413	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	Chas A. Stevens, Sheriff, etc.	)	
	Appellee,	)	
No.	Territory of New Mexico ex Rel W.P. White,	)	
1414	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	T. W. Watson, Treasurer, etc.	)	
	Appellee,	)	
No.	Territory of New Mexico	)	
1415	Appellant	)	
	vs	)	Appeal from District Court Lincoln County
	J.G. Riggle, Probate Clerk, etc.	)	
	Appellee,	)	
No.	Territory of New Mexico,	)	
1416	Appellant,	)	
	vs	)	Appeal from District Court, Lincoln County.
	Chas A. Stevens, Sheriff	)	
	Appellee,	)	
No.	Territory of New Mexico,	)	
1417	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County
	T. W. Watson, Treasurer, etc.	)	
	Appellee,	)	

It Is ordered by the court that the above entitled cause be and they hereby are set for hearing for Wednesday December 6th, 1911

No.	Territory of New Mexico Ex Rel Geo S. Klock,	)	
1409	Appellee	)	
	vs	)	Appeal from District Court, Bernalillo County
	Edward A. Mann,	)	
	Appellant)	)	

It is ordered by the court that this cause be and the same hereby is set for hearing for Wednesday, December 6th, 1911

It is ordered that the court do now adjourn until Tuesday, December, 5th, A.D., 1911 at ten o'clock A. M.

William H. Pope

Chief Justice etc

Fortieth Day, Tuesday, December 2nd, A.D., 1911

Court met pursuant to adjournment

Present as upon Saturday.

Record of Saturday's proceedings is read and approved.

No. 1359 Richard Di Palma and Bernard Ruppe,)
Appellees,)
vs) Appeal from District Court Bernalillo County.
Jacob Weinman and Joseph Barnett,)
Appellants,)

This cause again coming on before the court upon the filing of the remittitur by appellees as heretofore ordered by the court in the sum of \$770 and the appellees having acquiesced to the said requirement of the court hereby file their remittitur in the sum of Seven Hundred and Seventy dollars and the court being sufficiently advised in the premises it is therefore considered and adjudged that the judgment of the District Court of Bernalillo County, whence this cause came into this court be hereby modified and that as so modified the said judgment of the said district Court be and the same hereby is affirmed. It is therefore considered and adjudged by the court that the said appellees Richard Di Palma and Bernard Ruppe do have and recover of and from Jacob Weinman and Joseph Barnett the sum of Six Thousand Nine Hundred and sixty eight 00/100 Dollars (\$6968.00) with interest thereon at the rate of six percent per annum from the 9th day of April A. D., 1910 the day upon which the verdict of the jury was rendered and that they have execution therefor.

It is further considered and adjudged and decree by the court that the said appellees Richard Di Palma and Bernard Ruppe do have and recover of and from Jacob Weinman and Joseph Barnett as principals and M. W. Flournoy and Ivan Grunsfeld as sureties the sum of Six Thousand nine hundred and sixty-eight (\$6968.00) Dollars together with interest thereon at the rate of six per cent per annum from the 9th day of April, A.D., 1910.

It is further considered and adjudged by the court that the appellant do have and recover of and from the appellees their costs in this behalf expended for which let execution issue.

No. 1237 The Arizona & Colorado Railroad Company)
of New Mexico) Appellee,
vs) Appeal from District Court San Juan County.
The Denver & Rio Grande R. R. Co.,)
Appellant,)

This cause coming on before the court upon the motion of appellant herein for a rehearing and the court having had said motion under advisement and being now sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be, and the same hereby is denied.

No. 1425 Geo A. Davisson et al.,)
Appellees,)
vs) Appeal from District Court Chaves County
Citizen's National Bank of Roswell N.M.)
Appellant)

It is ordered by the court that this cause be, and the same hereby is set for argument for two o'clock this afternoon.

No. 1437 The Community Ditches or Acequias of Tularosa Townsite, a corporation,
vs
The Tularosa Community Ditch, et al.,
Appellants,
Appellees,

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Appeal from District Court Lincoln County

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by J. H. Connell, Esq. for appellants, and T. B. Catron Esq. for Appellee's and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

No. The Arizona & Colorado Railroad Company of)
1237 New Mexico, Appellee,)
vs) A peal from District Court San Juan County.
The Denver & Rio Grande Railroad Company)
Appellant,)

This cause coming on before the court upon the request of M. W. Clancy Esq. Attorney for appellant for a finding of facts by this court in the nature of a special verdict and the court being sufficiently advised in the premises grants the said motion and makes the findings of the court below herein the findings of this court It is therefore considered and adjudged by the Court that the findings of fact made by the court below in this cause be and the same hereby are adopted as the findings of fact by this cause in this cause in the nature of a special verdict.

Now Comes Frank W. Olancy, and moves the court the admission of Mr James R. Wadill, a member of the Bar of the Third Judicial District Court of this Territory and the court therefore orders and adjudges that the said James P. Wadill be and he hereby is admitted as an attorney, solicitor and counselor of this court upon the signing the roll and taking the oath prescribed by the rules And the clerk of this court hereby is directed to issue to the said James P. Wadill a proper certificate of admission.

Geo A. Davisson, et al.,
Appellees
vs
Citizens National Bank of Roswell N. M.
Appellant,
Appeal from District Court Chaves County.

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel is argued by W. C. Reid, Esq. for appellant and submitted to the court on briefs on briefs by appellee and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A.M.

McLean H. 'O'rye
Chief Justice et c.

Forty-first Day, Wednesday, December 6th, A.D., 1911

Court met pursuant to adjournment

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1409	Territory ex rel George S. Klock	)	
	Appellee,	)	
	vs	)	Appeal from District Court Bernalillo County.
	Edward A. Mann,	)	
	Appellant	)	

It is ordered by the court that this cause be and the same hereby is reset for hearing for tomorrow afternoon at 2 P.M.

No. 1412	Territory ex rel W.R. White,	)	
	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	J. G. Riggle, Probate Clerk, etc	)	
	Appellee,	)	

No. 1413	Territory of N. M. Ex Rel, W.R. White,	)	
	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	Chas A. Stevens, Sheriff etc	)	
	Appellee,	)	

No. 1414	Territory of N. M. Ex rel W.R. White,	)	
	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	T. N. Watson, Treasurer, etc.	)	
	Appellee,	)	

No. 1415	Territory of New Mexico	)	
	Appellant	)	
	vs	)	Appeal from District Court Lincoln County.
	J. G. Riggle, Probate Clerk	)	
	Appellee,	)	

No. 1416	Territory of New Mexico	)	
	Appellant	)	
	vs	)	Appeal from District Court Lincoln County.
	Chas A. Stevens, Sheriff etc.	)	
	Appellee,	)	

No. 1417	Territory of New Mexico,	)	
	Appellant,	)	
	vs	)	Appeal from District Court Lincoln County.
	T. N. Watson, Treasurer etc.	)	
	Appellee,	)	

It is ordered by the court that these cause be and they are hereby reset for hearing for tomorrow afternoon at two o'clock P.M.

No. 1397	W. D. McBee,	)	
	Appellee,	)	
	vs	)	Appeal from District Court Curry County.
	Pat O'Connell, et al.,	)	
	Appellants,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Abbott, , Associate Justices Merie, Hechem, Wright and Roberts concurring, Associate Justice Parker dissenting, reversing the judgment of the court below and remanding this cause for further proceedings, for reason

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stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Curry whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court for further proceedings.

It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed, for which let execution issue.

No. 401	Territory of New Mexico	Appellee,	) Appeal from District Court Roosevelt County.
	vs		
Oscar F. Sheaney,	Appellant,		

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Abbott, Associate Justices Mechem, McFee, Parker, Roberts and Wright concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Roosevelt whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is considered and adjudged by the court that the said appellant Oscar F. Sheaney, be imprisoned in the Territorial Penitentiary at Santa Fe New Mexico; for the term of not less than twenty years nor more than forty years, that he pay the costs of this prosecution to be taxed, and that execution issue therefore, and that commitment issue therefor.

It is ordered that the court do now adjourn until tomorrow afternoon at two o'clock P. M.

William H. Pope
Chief Justice etc.

Forty-second Day, Thursday, December 7th, A. D., 1911

Court met pursuant to adjournment

Present as upon yesterday

Record of Yesterday's proceedings were read and approved.

No. 1412 Territory of N.M. ex rel W. R. White,)
Appellant,)
vs) Appeal from District Court Lincoln County.
J. G. Riggle, Probate Clerk etc.)
Appellee,)

This cause coming on before the court upon the transcript of record assignment of error and briefs of counsel is submitted to the court on briefs, and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1413 Territory of N. M. Ex rel W. R. White,)
Appellant,)
vs) Appeal from District Court Lincoln County.
Chas A. Stevens, Sheriff etc.)
Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1414 Territory of N.M. ex rel W. R. White,)
Appellant,)
vs) Appeal from District Court, Lincoln County.
T. W. Watson, Esq. Treasurer, etc.)
Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1415 Territory of New Mexico)
Appellant,)
vs) Appeal from District Court, Lincoln County
J. G. Riggle, Probate Clerk, etc.)
Appellee,)

This cause coming on before the court upon the transcript of record, assignment of errors, and the motion of appellee to dismiss the appeal herein is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

No. 1416 Territory of New Mexico,)
Appellant,)
vs) Appeal from District Court, Lincoln County.
Chas A. Stevens, Sheriff etc.)
Appellee,)

This cause coming on for hearing upon the transcript of record, assignment of errors and briefs of counsel, and the motion of appellee to dismiss the appeal herein, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

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Territory of New Mexico
 No. 1417 vs T. W. Watson, Engasurer, etc
 Appellant,)
) Appeal from district court Lincoln County
 Appellee,)

This cause coming on before the court upon the transcript of record, assignment of errors and briefs of counsel, and the motion of appellee to dismiss the appeal herein, is submitted to the court on briefs and the court not being sufficiently advised in the premises takes the same under advisement.

Territory of New Mexico as rel George S. Klock
 No. 1409 vs Edward A. Mann,
 Appellee,)
) Appeal from District Court Bernalillo County.
 Appellant,)

This cause coming on before the court upon the transcript of record assignment of errors and briefs of counsel, is argued by E. W. Dobson, Esq. for appellant and Summers Burkhart, Esq. and Julius Staab, Esq. for appellee and submitted to the court, and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until tomorrow afternoon at two o'clock P. M.

William H. Pope
 Chief Justice, etc.

Forty-third Day, Friday, December 8th, A. D., 1911

Court not pursuant to adjournment.

Present as upon yesterday.

Record of yesterday's proceedings is read and approved.

The River-side Sand & Cement Mfg Co.,
Appellee & Cross Appellant,
vs
E. B. Hartwick, et al.,
Appellant and Cross-appellee

Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Parker, Associate Justices Mele, McShan and Wright, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this cause came into this court, be and the same hereby is modified and as so modified the same hereby is affirmed and that in accordance therewith, It is therefore considered and adjudged by the court that The Riverside Sand & Cement Mfg Co. the appellee herein do have and recover possession of all of the Chieftain No. 1 Placer Mining Claim covering and embracing the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Sec. 3, T. 9 S. 25 E. N.M.P.M. and that the said Appellant and cross appellee deliver to the said Appellee the Riverside Sand & Cement Mfg Co. the possession of the said Chieftain No. 1, Placer Mining Claim, and that the appellee do have and recover of the said appellant its costs in this behalf expended for which let execution issue.

No. 1355-7
Rafael Tagliaferri
Appellee and Cross Appellant
vs
Caesar Grande,
Appellant and Cross-Appellee

Appeal from District Court Bernalillo County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Chief Justice Pope, Associate Justices Mele, Parker, Wright, McShan and Roberts, concurring; modifying the judgment of the court below and affirming the case as so modified, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the Judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is modified by adding to the judgment after the description therein contained the words "the western boundary being the center of said ditch or acequia of Baretas" and as so modified the same hereby is affirmed. It is therefore considered and adjudged and decreed by the court that the Appellee Rafael Tagliaferri, recover of the defendant, Caesar Grande the possession of the premises described in the complaint, to-wit "A parcel of land situate west of Broadway in the City of Albuquerque, New Mexico, and bounded as follows: On

the North by lands owned or occupied by Mrs Brault; on the south by lands of Estevan Jaramillo; on the east by Broadway in said city, and on the west by the Acequia of Barelas, the western boundary being the center of said ditch or acequia of Barelas..

And if is further ordered, adjudged and decreed that the plaintiff recover of the defendant and appellant the sum of One Dollar as damages for the detention of said premises, and the trespass as assessed by the Jury, and that in addition thereto he recover his costs of the action to be fixed,

It is further ordered, adjudged and decreed that the plaintiff have execution in the usual form, directing the Sheriff of Bernalillo County, to eject the defendant from the possession herein described and place him in possession thereof, and the recovery from the defendant and appellant of the damages and costs as herein provided as well as the costs of this court to be taxed for which let execution issue.

No.
1356

First National Bank of Albuquerque,	)	
Appellee,	)	
vs	)	Appeal from District Court Bernalillo County.
J.H.Haverkamp?, (J.A.Miller, Trustee in Bank-	)	
ruptcy)	)	
Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice McFie, Chief Justice Pope, and Associate Justices Parker, Mecher, Wright and Roberts concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is therefore considered and adjudged by the court that the plaintiff and appellee do have and recover of the defendant and appellant, H. J. Haverkamp the sum of Eight Thousand One Hundred Eighty-eight and 68-100 dollars (\$8188.68) and that the defendant and Intervener J. A.Miller, trustee, pay into the registry of ^{the District Court in and for the County of Bernalillo} ~~this Court~~, to be paid to the plaintiff the amount now in his hands received from the sale of the mortgaged property and from the collection of the accounts due to said H. J. Haverkamp, to wit the sum of Seven Thousand Six Hundred Sixty-eight and 90-100 Dollars (\$7668.90) being the net amount ⁱⁿ the said trustees hands after deducting the expenses of said bankruptcy proceeding and the price received from a vacant lot in San Rafael referred to in said findings and not included in said mortgage; together with the costs of this court as well as of the court below, to be taxed for which let execution issue

No.
1376-8

Caledonian Coal Company	)	
Appellant and Cross-appellee	)	
vs	)	Appeal from District Court McKinley County.
Rock Cliff Coal Mining Co. et al,	)	
Appellee and Cross-Appellant	)	

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised

in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Parker, Wright and Roberts, concurring reversing the judgment of the court below and remanding this cause for further proceedings for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of McKinley, whence this cause came into this court, be and the same hereby is reversed and the cause hereby is remanded to the said district court for further proceedings not inconsistent with the opinion of the court on file. It is further considered and adjudged by the court that the appellant and Cross-Appellee do have and recover of the appellee its costs in this behalf expended to be taxed for which let execution issue.

No.1383.	Edgar Andrews, *	)	Appeal from District Court Santa Fe County.
		)	
	Appellant,	)	
	vs	)	
	The Rio Grande Live Stock Co., et al.,	)	
	Appellees,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Roberts, Chief Justice Pope and Associate Justice Parker, Abbott, Mechem and Wright, concurring reversing the judgment of the court below and remanding the same to the court below with instructions to overrule the motion for a non-suit. For reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the court below, with instructions to overrule the motion for a non-suit.

It is further considered and adjudged by the court that the appellant do have and recover of and from the appellee his costs in this behalf expended to be taxed for which let execution issue.

No.1386	Mary E. Collins,	)	Appeal from District Court Quay County.
		)	
	Appellant,	)	
	vs	)	
	Julia Schump, et al.,	)	
	Appellee,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and being now sufficiently advised in the premises announces its decision by Associate Justice Roberts, Chief Justice Pope and Associate Justices McFie, Parker, and Abbott concurring reversing the judgment of the court below, and remanding this cause to the said cause with instructions to overrule the demurrer and to proceed with the hearing of the case, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Quay whence this cause came into this court be and the same hereby is reversed and this cause hereby is remanded to the said district

It is further ordered, adjudged and decreed that the plaintiff, Tina Haffner Retsch, have

and recover her legal costs in this behalf expended to be taxed, and that the said intervenor said herein, have and recover the costs on his part in connection with his intervention expenses, to be taxed, for which let execution issue.

No. 1377 Territory of New Mexico,)
vs) Appellee,)
Melvin W. Mills, et al.,) Appellant,) Appeal from District Court Santa Fe County.

This cause having been argued by counsel on submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Roberts, Chief Justice Pope and Associate Justices Parker, Abbott, Wright and McLean, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, when this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the Territory of New Mexico do have and recover of and from Melvin W. Mills, as principal, and Louis Field and Geo. E. Albright, as parties on the appeal bond the sum of five thousand eight hundred and thirty-four dollars and twenty-six cents (\$5,834.26) together with interest on the same at the rate of six per cent per annum from the 23rd day of October, A.D., 1910, until paid together with the costs of this court as well as the court below in this behalf expended, for which let execution issue.

No. 1378 W. W. Threlkeld,)
vs) Appellant,)
North British and Mercantile Insurance Company of London England,) Appellee,) Appeal from District Court, Curry County

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, Associate Justices Parker, Abbott, Mechem, Wright and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Curry, when this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered ordered and adjudged that the complaint herein be and the same hereby is dismissed, and that the defendant go hence without day with its costs against plaintiff, in the court below as well as in this court, to be taxed for which let execution issue.

No. 1396 Valentina Chavez de Padilla, etc)
vs) Appellee,)
The Atchafalaya, Topeka and Santa Fe Ry Co) Appellant,) Appeal from District Court Valencia County.

This cause having been argued by counsel, submitted to and taken under advisement by

by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Mott, Parker, Abbott and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Valencia whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is therefore considered and adjudged by the court that the plaintiff and appellee, to have and recover from and of the Atchison, Topeka and Santa Fe Railway Company, as principal and Wickett Reynolds and Edward D. Reynolds, as sureties on the appeal an supersedeas Bond, the sum of Five thousand dollars, together with her costs in this behalf expended for which let execution issue.

No. 1399	H. M. Dougherty and John E. Griffith, partn-)	)	Appeal from district court Socorro County.
	ers, under the name of Dougherty and Griffith,		
	and Herbert B. Holt and W. A. Sutherland, partner)		
	ers under the firm name of Holt & Sutherland)		
	Appellees,	)	
	vs	)	
	Vanny V. Van Riper,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and being now sufficiently advised in the premises announces its decision by Associate Justice John R. Mott, Chief Justice Pope and Associate Justices Parker, Wright and Roberts, concurring, affirming the judgment of the court below for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Socorro whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said plaintiffs, Harry M. Dougherty and John E. Griffith, partners under the name of Dougherty and Griffith and Herbery B. Holt and W. A. Sutherland, partners under the name of Holt & Sutherland, do have and recover of and from Vanny V. Van Riper, as principal and the The United States Fidelity and Guaranty Company as surety on the appeal bond, the sum of Five Thousand Dollars, as principal and the sum of Three Hundred Dollars as interest, together with interest on the said sums from the 25th day of February, A. D., 1911 at the rate of six per cent per annum and the costs of this court as well as of the court below, to be taxed for which let execution issue.

No. 1400	Territory of New Mexico	)	Appeal from District Court Chaves County.
	Appellee,		
	vs		
	Jim Walker,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Abbott, Associate Justices Mott, Parker, Mechem, Wright and Roberts, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court

that the judgment of the District Court in and for the County of Chaves whence this court came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said defendant Jim Walker, be imprisoned in the Territorial Penitentiary at Santa Fe, New Mexico, for the term of not less than one year and not more than two years, that he pay the costs of this prosecution to be taxed, and that execution issue therefore, and the sheriff of Chaves County, New Mexico, is hereby ordered to deliver the said Jim Walker to the Superintendent or Warden of said Territorial Penitentiary at Santa Fe, New Mexico, and the said superintendent or warden of said Territorial penitentiary is hereby ordered to confine the said Jim Walker in said Territorial Penitentiary for the term of not less than one year and not more than two years from the date of the commitment hereunder and until said cos's are discharged by due operation of law, and that commitment issue there'os.

No. 1402.	Territory of New Mexico	)	Appeal from District Court, Union County.
		)	
	vs	)	
	Silvestre Torres,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court on a former day of the present term, and the court having had the same under advisement and being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Associate Justices Parker, Abbott, Mechem Concurring Chief Justice Pope and Associate Justice Wolf dissenting. Affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the County of Union whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court that the said defendant Silvestre Torres be and he hereby is remanded to the custody of the sheriff of Union County, New Mexico, until such time as he can conveniently convey said Silvestre Torres to the Territorial Penitentiary, situated at Santa Fe, New Mexico, and there deliver him to the warden thereof, the said Silvestre Torres to be confined and imprisoned in the said Penitentiary, for the full period of not less than three (3) years nor more than ten (10) years, commencing with the date of commitment and that he make a fine unto the Territory of New Mexico in the sum of One Hundred Dollars, and that he pay the costs of this prosecution to be taxed by the clerk for which let warrant of commitment and execution issue against said defendant Silvestre Torres.

No. 1405	Territory of New Mexico,	)	Appeal from District Court Guadalupe County.
		)	
	vs	)	
	Edward McAbb,	)	
	Appellee,	)	
		)	
	Appellant,	)	

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon the former day of the present term, announces its decision by Associate

Justice Abbott, Chief Justice Pope and Associate Justices McFie, Parker and Roberts, concurring reversing the judgment of the court below and remanding this cause to the said court for a new trial, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Guadalupe whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to grant a new trial.

No. 1411
 L. Current, et als.,
 vs
 The Citizens Bank of Aztec, et als.
 Appellants,
 Appellees,
 Appeal from District Court, San Juan County.

This cause having been argued by counsel submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Roberts Chief Justice Pope, and Associate Justices Abbott, Mechem and Wright, concurring affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Juan, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the injunction heretofore issued in this cause enjoining the defendants from collecting the said notes be and the same hereby is dissolved and that the plaintiff's bill of complaint be and the same hereby is dismissed.

It is further ordered and adjudged by the court that the defendants do have and recover of and from the plaintiffs their costs in this behalf expended to be taxed for which let execution issue

No. 1422
 J. H. O'Reilly
 vs
 John W. Colbert, et al.,
 Appellee,
 Appellants,
 Appeal from District Court Bernalillo County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Roberts, Associate Justices Parker, McFie, Wright and Mechem, concurring, Chief Justice Pope dissenting, Reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo whence this court came into this court, be and the same hereby is reversed.

It is further ordered and adjudged by the court that the appellant do have and recover of and from the appellee their costs in this behalf expended for which let execution issue.

No. 1379

Ursinus Sidney Bateman, et al.,
 Appellants,
 vs
 Julius G. Gitts, et al.
 Appellees,

Appeal from District Court Chaves County.

This cause coming on before the court upon the motion of appellants herein for a rehearing, and the court having had the same under advisement and being now sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No. 1325

Vicente Montoya, Plaintiff vs Unknown
 Heirs of Francisco Montes Vigil, deceased
 et al., defendant
 Appellants
 vs
 Candido G. Gonzales, et al.,
 Appellees

Appeal from District Court Bernalillo County.

This cause again coming on before the court upon rehearing, and the court having had the same under advisement upon the constitutionality of the act involved and the court being now sufficiently advised in the premises adheres to its former decision heretofore handed down. It is therefore considered and adjudged by the court that the decision of the Court heretofore handed down in this cause and upon which judgment was duly entered hereby is adhered to.

Whereas, Jose D. Sena, Clerk of the United States Supreme Court of the Territory of New Mexico, has tendered to this court an account for his official service from the 1st day of July to the last day of September A.D., 1911, both inclusive, with items and vouchers thereof, in the presence of H. W. Clark, assistant United States District Attorney, and has, by his oath, attached to the account proved to the satisfaction of the court that the services therein rendered have been actually and necessarily performed, as therein stated; and

Whereas, said charges appear to be just and according to law.

IT IS HEREBY Ordered, that the said account amounting to Two Hundred and two 50-100 (\$202.50) Dollars, be and the same hereby is approved, It is hereby certified that upon each day upon which per diem is charged in this account, the court was opened for business and the judges present and presiding, except on the following named days viz (none) on which the Supreme Court was adjourned by the clerk as provided by sect on 584 R.S.U.S. and except on the following named days viz (none) on which the Supreme Court was adjourned upon written order of the Chief Justice as provided by Section 584 or 585 R.S.U.S. copies of which orders are hereto attached.

It is ordered that the court do now adjourn until Monday December 18th at Two o'clock PM

William H. Sena

Chief Justice etc.

Forty-fourth

Day,

Monday December, 18,

A. D.

1911

Forty-fourth Day. Monday December 18th, A.D., 1911

Court met pursuant to adjournment.

Present as upon Friday December 8th A.D., 1911

Record of Friday, December 8th, 1911 was read and approved

No.	Valentina Craves le Padilla, sole surviving	)	
1396	parent of Antonio Padilla, deceased	)	
	Appellee,	)	
	vs	)	Appeal from District Court Valencia County.
	Atchison, Topeka and Santa Fe Ry Co.	)	
	Appellant,	)	

This cause coming on before the court upon the motion of R.E. Twitchell attorney for appellant asking the court to fix the amount of Supersedeas Bond on writ of error to the United States Supreme Court and the Court being sufficiently advised in the premises fixes the said supersedeas Bond in the sum of Ten Thousand dollars. It is therefore considered and adjudged by the court that the supersedeas bond herein on writ of error to the Supreme Court of the United States be and the same hereby is fixed in the sum of Ten Thousand Dollars to be approved by one of the Judges of this Court.

No.	Caledonian Coal Company	)	
1376-8	Appellant & Cross Appellee,	)	
	vs	)	Appeal from District Court McKinley County.
	Rocky Cliff Coal Mining Company,	)	
	Appellee and Cross-appellant	)	

This cause coming on before the court upon a motion for a rehearing herein and the court having had said motion under advisement and being now sufficiently advised in the premises grants the same and sets this case for argument on rehearing for Tomorrow afternoon at two o'clock. It is therefore considered and adjudged by the court that the motion of Appellants and Cross-Appelles herein be and the same hereby is granted. It is further ordered by the court that this cause be and the same hereby is set for reargument on rehearing on Tomorrow afternoon at two o'clock P.M.

It is ordered and adjudged that the court do not adjourn until tomorrow afternoon at two o'clock P.M.

William H. Pope
Chief Justice etc.

Forty-fifth Day, Tuesday, December 20th, A. D., 1911

Court met pursuant to adjournment.

Present as upon yesterday . . .

Record of yesterday's proceedings was read and approved.

No. 1355-7	Rafael Tagliaferri	)	Appeal from District Court, Bernalillo County.
	Appellee and Cross-Appellant,		
	vs		
	Caesar Grande		
	Appellant and Cross-Appellee,	)	

This cause coming on before the court upon the motion of Appellant for a rehearing herein, and the court having had the said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing, be and the same hereby is denied.

No. 1383	Edgar Andrews	)	Appeal from District Court Santa Fe County.
	Appellant,		
	vs		
	The Rio Grande Live Stock Co. et al,		
	Appellees,	)	

This cause coming on before the court upon the motion of appellees herein for a rehearing, and the court having had said motion under advisement and being sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellees herein for rehearing, be and the same hereby is denied.

No. 1399	Harry H. Doughert, et al.,	)	Appeal from District Court Socorro County.
	Appellees,		
	vs		
	Sammy V. VanRiper,		
	Appellant,	)	

This cause coming on before the court upon the motion of appellant for a rehearing; herein and the court having had said motion under advisement, and being now sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is denied.

No. 1402	Territory of New Mexico	)	Appeal from District Court Union County.
	Appellee,		
	vs		
	Silvestre Torres		
	Appellant,	)	

This cause coming on before the court upon the motion of appellant herein for a rehearing, and the court having had the said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing, be and the same hereby is denied.

Forty-fifth

Day,

Tuesday, December, 19th

A. D.

1911

No. 1411 L. Current, et al.,
Appellants,
vs
The Citizens' Bank of Aztec, et al.,
Appellees,
Appeal from District Court, San Juan County.

This cause coming on for hearing upon the motion of appellant for a rehearing herein, and the court being sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for rehearing of appellant herein be and the same hereby is denied.

No. 1382 Territory of New Mexico
Appellee,
vs
Otto Eyles,
Appellant,
Appeal from District Court,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Parker, Abbott, Mechem and Roberts, concurring, reversing the judgment of the court below and remanding this cause for further proceedings. for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Santa Fe, whence this court came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said District court for further proceedings.

No. 1384 George W. Bond, et al.,
Appellants,
vs
Unknown Heirs of Juan Barela deceased et al.,
Appellees,
Appeal from District Court Valencia County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Chief Justice Pope, Associate Justices Noble, Parker, Abbott, Wright and Roberts, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Valencia whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the complaint herein be and the same hereby is dismissed, and that the said defendants go hence without day; It is further adjudged and decreed by the court that the appellees do have and recover of the appellants their costs in this behalf expended to be taxed for which let execution issue.

No. 1406 City of Roswell,
Appellee,
vs
Eastern Railway Company of New Mexico
Appellant,
Appeal from District Court Chaves County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the

premises, announces its decision by Associate Justice McCrem, Associate Justices McFie, Parker, Abbott, Wright and Roberts, concurring, reversing the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Chaves whence this cause came into this court be and the same hereby is reversed, and it is further considered and adjudged by the court that the appellant do have and recover of and from the appellee its costs in this behalf expended for which let execution issue

No. 1435. Territory of New Mexico,)
Appellee,)
vs) Appeal from District Court, Taos County.
Jose Refugio Lucero,)
Appellant,)

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Roberts, Chief Justice Hope McFie, Parker and Abbott and Wright concurring, reversing the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the County of Taos whence this cause came into this court, be and the same hereby is reversed and this cause hereby is remanded to the said district court with instructions to grant a new trial.

No. 1359 Richard Di Palme and Bernard Ruppe,)
Appellees,)
vs) Appeal from District Court, Bernalillo County.
Jacob A. Weinman and Joseph Barnett)
Appellants,)

This cause coming on before the court upon a motion of Neill B. Field, Attorney for plaintiffs in error asking the court to direct the clerk of this court to transmit to the Clerk of the Supreme Court of the United States, all the exhibits received by him from the clerk of the District Court in and for the County of Bernalillo, and on file with him in this office, in the above entitled cause, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the motion of plaintiffs in error in the above entitled cause be and the same hereby is granted and the Clerk of this Court hereby is directed to transmit to the Clerk of the Supreme Court of the United States together with the transcript of record, all exhibits transmitted to him by the Clerk of the District Court in and for the county of Bernalillo, and now on file in the office of the Clerk of this Court, that the same may be considered by the said Supreme Court of the United States as a part of the record in the above entitled cause.

No. 1451 Wm. P. Metcalf,)
Appellant,)
vs) Appeal from District Court Bernalillo County
Charles G. Hurd,)
Appellee,)

Now Comes Summers Burkhardt, Esq. Attorney for appellee herein and moves the court to

FortyFifth

Day,

Tuesday, December 19th

A. Q.

1911

Order the above entitled cause Docket and to affirm the judgment of the court below, for reason that the appellant had failed to perfect his said appeal, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the motion of the appellee herein to docket and affirm be and the same hereby is granted and that therefore It is considered adjudged and decreed that the above entitled cause be and the same hereby is ordered docketed and that the judgment of the District Court, in and from the County of Bernalillo, whence this cause came into this cause, be and the same hereby is affirmed, and that in accordance therewith, it is considered and adjudged by the court, in accordance with the verdict that the said defendant go hence without day; that the attachment and garnishment thereunder of moneys belonging to said defendant in the hands of the Bank of Commerce be and the same hereby is dissolved; that the said said plaintiff W. C. Metcalf, pay the costs of this suit to be taxed including the sum of \$10 allowed to said garnishee for making answer herein, and that execution issue therefor.

A. Straus,
No. vs Appellant,
1380 W. L. Foxworth,)
 Appellee,)
Appeal from District Court, Quay County.

Now comes W. C. Reid, Esq., attorney for appellant herein and moved the court here to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises grants the same. It is therefore considered and adjudged by the court that the appellant herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

No. 1218 Henry Lockhart, Appellee,
vs
Washington Gold & Silver Mining Company Appellant,
Appeal from District Court, Bernalillo County.

Now Comes Edward W. Dobson, Esq. Attorney for appellant herein and moves the court to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the appellants herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Vicente Montoya, Plaintiff, vs Unknown heirs
 of Francisco Montes Vigil, deceased, defendant-
 Appellants
 No. ts et al, vs
 1325 Candido G. Gonzales, et al
 Appellees,

Appeal from District Court Bernalillo County.

This cause coming on before the court upon the motion of appellants herein to retax costs the same is argued by A.B.McMillen, Esq. for appellants and George S.Klock, Esq. and Antonio A. Sedillo, Esq. for appellees and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

Caledonian Coal Company,)
 Appellant and Cross Appellee)
 Nos, 1376-8 vs)
 Rock Cliff Coal Mining Company)
 Appellee, and Cross-appellant)

Appeal from District Court McKinley County.

This cause coming on before the court on a rehearing upon the transcript of record, assignment of errors and briefs of counsel, is argued by F. W. Clancy, Esq for Appellant and Cross-Appellee and E. W. Dobson, Esq. for Appellee and Cross Appellant, and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the court do now adjourn until Thursday Morning December 21st at ten o'clock A. M.

W. H. ...

Chief Justice etc.

Forty-sixth

Day,

Thursday, December, 21st,

A. D.

1911

Forty-sixth Day, Thursday December, 21st, A. D., 1911

Court met pursuant to adjournment.

Present as upon Tuesday.

Record of Tuesday's proceedings is read and approved.

No.	W. D. McBee,		)	
1397	vs	Appellee,	)	Appeal from District Court Curry County.
	Pat O'Connell, et al.,	Appellants,	)	

This cause coming on before the court upon the motion of appellee herein for a rehearing and the court having had said motion under advisement and being sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No.	Territory of New Mexico,		)	
1400	vs	Appellee,	)	Appeal from District Court Chaves County.
	Jim Walker,	Appellant,	)	

This cause coming on before the court upon the motion of appellant for a rehearing herein and the court having had said motion under advisement and being now sufficiently advised in the premises, denies the same. It is therefore considered and adjudged by the court that the motion for rehearing herein be and the same hereby is denied.

No.	Bank of Commerce,		)	
1248	vs	Appellee,	)	Appeal from District Court Bernalillo County.
	Jasper N. Broyles, et al.,	Appellant,	)	

This cause again having been submitted to and taken under advisement by the court upon a former day of this court upon a rehearing of this case, and the court having had the same under advisement and being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices McFie, Roberts and Mechem Associate Justice Abbott dissenting, adhering to the opinion and judgment of the court as heretofore rendered herein, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment and decree of this court herein, heretofore rendered is and the same hereby be adhered to.

No.	George A. Davisson Pltf. Etta Owens Deft.		)	
1425	vs	Appellees	)	Appeal from District Court Chaves County.
	Citizens National Bank of Roswell,	Appellant,	)	

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Roberts, Associate Justices McFie, Parker, Abbott, Mechem, and Wright, concurring affirming the judgment of the court below for reasons

stated in the opinion of the court on file; . It Is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Chaves whence this court came into this court be and the same hereby is affirmed, and that in accordance therewith It Is therefore considered and adjudged by the court that the Plaintiff George A. Division do have and recover from the Defendant Citizens National Bank of Roswell, New Mexico a National Banking Corporation, as principal and The United States Fidelity & Guaranty Company, a corporation as surety on the appeal bond the sum of Five Thousand Eight hundred and twenty-one 65-100 (\$5821.65) Dollars, together with interest thereon at the rate of six per cent per annum from the 26th day of October A. D., 1908, And his costs in this behalf expended to be taxed for which let execution issue: It is further considered and adjudged by the court that the Defendants Etta Owens, James W. Owens and Adolph Andrews, as executors of the estate of Solon B. Owens, deceased, do have and recover of and from the defendant said Citizens National Bank of Roswell, as principal and the United States Fidelity and Guaranty Company, a corporation as surety on the appeal bond the sum of Four Thousand Eight hundred and fifty nine 16-100 (\$4859.16) Dollars, with six per cent per annum from the 26th day of October, until paid, together with their costs in this behalf expended for which let execution issue.

No. 1402 Territory of New Mexico,
Appellee,
vs
Silvestre Torres,
Appellant,
Appeal from District Court, Union County.

This cause coming on before the court upon the motion of J. Leahy, Esq. Attorney for the appellant herein asking the court to fix the amount of the Supersedeas Bond on writ of error to the United States Circuit Court of Appeals, for the Eighth Circuit, and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the supersedeas Bond on Writ of error to ~~the~~ United States Circuit Court of appeals for the Eight Circuit be and the same hereby is fixed in the sum of Two Thousand Five hundred dollars conditioned in the usual form as provided by law and to be approved by one of the Judges of this Court.

No. 1356 First National Bank of Albuquerque,)
Appellees,)
vs)
H.J. Haverkamp, (J.M. Miller, Trustee in)
bankruptcy) Appellant)
Appeal from District Court Bernalillo County.

This cause coming on before the court upon the motion of Francis W. Wood, Esq. Attorney for appellant herein asking the court to make 'Findings of Fact' in the nature of a special verdict, and praying an appeal from the Judgment and decree of this court to the Supreme Court of the United States of America, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States, and that the matter of making Statement of facts hereby is referred to Associate Justice J. R. McFie.

Forty-sixth Day, Thursday, December 21st, A.D., 1911

Court met pursuant to adjournment.

Present as upon yesterday

Record as yesterday's proceedings is read and approved.

No.
1425

George A. Davvison, Plaintiff, Etta Owens, De)
fendant, et al., Appellees 0
vs) Appeal from District Court, Chaves County.
Citizens National Bank, Defendant)
Appellant,)

Now Comes W. C. Reid, Esq. attorney for appellants, and moves the court to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the appellant herein do have and hereby is granted an appeal from the judgment and decree of this court to the Supreme Court of the United States

No.
1325

Vicente Montoya Plaintiff vs Unknown Heirs)
of Francisco Montes Vigil, deceased, defen)
dants, Appellants,)
vs) Appeal from District Court, Bernalillo County.
Candido G. Gonzales, et al., Intervenor)
Appellees,)

On motion of appellants, and it appearing to the court that the judgment heretofore rendered herein on the 1st day of September, A.D., 1911, affirming in part and reversing in part the judgment of the District Court is not in proper form,

It is ordered that said judgment be and the same hereby is set aside, and the court having heard argument of counsel and being fully advised in the premises, It is ordered that the judgment of the district court be affirmed in part and reversed in part, and said judgment modified as follows:

The court finds that as to the Intervenor Francisco Lucero y Montoya, judgment should have been rendered in favor of appellants and against the said Francisco Lucero y Montoya, and that as to the intervenor Candido G. Gonzales, as to last tract of land set off to him in said decree judgment should have been in favor of appellants and against the said Gonzales.

It is therefore Ordered, Adjudged and Decreed that in respects above mentioned the decree of the district court be and the same hereby is reversed, and that the intervening petition, in so far as it affects the claims of said Francisco Lucero y Montoya to each of the strips of land set off to him in said decree, be and the same hereby is dismissed;

And it is further ordered, adjudged and decreed that the said Francisco Lucero y Montoya has no right, title or interest in or to either of the said strips of land set off to him in the decree of the district court.

And it is further ordered, adjudged and decreed that the intervening petition, in so far as it affects the claim of Candido G. Gonzales to the last strip of land set off in said decree to the said Gonzales, being a parcel of land situated within the limits of the Alameda Land Grant bounded and described as follows: Containing 1710 varas from north to south, and in length

extending from the Rio Grande on the east to the ceja of the rio Puerco on the west, and bounded on the north by the limits of the Alameda Land Grant, and on the south by land claimed by Jesus Maria Sandoval, and which said strips correspond to strips No. 161 and 162 of the list of strips attached to said decree, be and the same hereby is dismissed.

And it is ordered, adjudged and decreed by the court that the said Candido G. Gonzales has no right, title or interest in or to said land as against the claims of the appellants in his cause.

It is further ordered that said decree of the district court be and the same hereby is in all other respects affirmed, and that this cause be remanded to the district court and that said court be directed to modify its decree as herein set forth.

It is further considered, adjudged and decreed that the costs of this appeal amounting to the sum of three hundred and thirty-one 95/100 (\$331.95) be and the same hereby are assessed per capita to the 458 appellants and the two unsuccessful appellants for which let execution issue.

It is ordered that the court do now adjourn until tomorrow at ten o'clock A. M.

William H. Papp

Chief Justice etc.

Forty-seventh Day, Friday, December 22nd, A.D., 1911

Court met pursuant to adjournment

Present as upon yesterday.

Record of yesterday's proceedings was read and approved.

Tina Hafner Retch,
No. 1388 vs
Alois B. Renahan, et al.,

Appellee,
Appellants,

Appeal from District Court, Santa Fe County.

This cause again coming on before the court upon the motion of appellant herein for a rehearing herein and also a motion to dismiss the appeal herein, and the court having had said motions under advisement, denies the same. It is therefore considered and adjudged by the court that the motions of appellant for a rehearing and to dismiss the appeal herein be and the same are hereby denied and overruled.

No. 1262 Harry Slocum Friday, by John H. Friday, his
next friend, Appellee, vs
The Santa Fe Central Railway Company
Appellant,) Appeal from First Judicial District Court

This cause coming on before the court upon a rehearing herein and the court having heard argument herein and taken the same under advisement upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision per curiam adhering to the opinion and judgment of the court herein. It is therefore considered and adjudged by the court that the judgment and decree of this court heretofore entered herein be and the same is hereby adhered to.

No. 1342. Ex Parte Geo E. Priest, et al., (Relators)
Appellants,)
vs) Appeal from District Court, San Miguel County.
Board of Trustees of the Town of Las Vegas,)
(Respondents) Appellees)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Chief Justice Pope, Associate Justices McFie, Parker, Mechem, Wright, Roberts and Abbott, nonconcurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of San Miguel, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is accordingly considered and adjudged by the court that the decree in favor of the relators of date September 15th A. D., 1894, quieting title in said relators is not binding upon the respondents herein and that the petition of relators is therefore dismissed with costs.

No.1358

Territory of New Mexico
vs
Malcon Trapp,
Appellee,)
Appellant,)
Appeal from District Court Lincoln County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Parker, Chief Justice Pope and Associate Justice McFie, concurring, Associate Justices Abbott and Roberts dissenting, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, It is considered and adjudged by the court that the said Malcon Trapp, defendant, be remanded into the custody of the sheriff of Lincoln County, to be by him safely kept until such time as he, the said sheriff, can convey him, the said defendant, to Santa Fe, New Mexico, and there deliver him, the said defendant to the Superintendent of the Territorial Penitentiary to be by him confined at hard labor for a period of not less than five years nor more than ten years, that the said defendant pay the costs of this prosecution, to be taxed, and that he stand committed until such costs are fully paid. It is further ordered by the court that commitment issue herein

No.1412

Territory of New Mexico, Ex Rel, W.R.White)
Appellant,)
vs
J.G.Riggle, Probate Clerk and Ex-officio)
recorder of the County of Lincoln, in the)
Territory of New Mexico, Appellee,)
Appeal from District Court, Lincoln County.

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Parker Abbott and Roberts concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln whence this cause came into this court be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the Court that the demurrer of respondents be and the same hereby is sustained and that the said petition for writ of mandamus be and the same is hereby dismissed, and that the said defendant go hence without day, and do have and recover of the said plaintiff his costs in this behalf expended for which let execution issue.

No.1413

The Territory of N. M. Ex rel W. R. White)
Appellant,)
vs
Charles A. Stevens, Sheriff of the County)
of Lincoln New Mexico, Appellee)
Appeal from District Court, Lincoln County.

This cause having been argued by counsel and submitted to and taken under advisement by the court upon a former day of the present term, and the court being sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Asso

ciate Justices McFie, Parker, Abbott and Roberts, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said demurrer be and the same hereby is sustained, and that the said petition for a writ of mandamus be and the same is hereby dismissed, and that the said defendant go hence without day and do have and recover of the appellant their costs in this behalf expended to be taxed for which let execution issue.

No. 1414 The Territory of N.M. ex rel W.R. White,)
Appellant,)
vs) Appeal from District Court Lincoln County.
T.W. Watson, Treasurer, and Ex-officio Recorder)
of Lincoln County N.M. Appellee,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Parker, Abbott and Roberts, concurring affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court by the court that the said demurrer be and the same hereby is sustained and that the said petition for writ of mandamus, be and the same hereby is dismissed, and that the defendant go hence without day and recover from the appellant his costs in this behalf expended to be taxed for which let execution issue

No. 1415 The Territory of New Mexico)
Appellant,)
vs) Appeal from District Court Lincoln County,
J.G. Riggle, Probate Clerk, and Ex-officio Recorder of the County of Lincoln New Mexico,)
Appellee,)

This cause having been argued by counsel, submitted to and taken under advisement by the court the court upon a former day of the present term, and the court being sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justice McFie, Parker, Abbott and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the said demurrer be and the same is hereby sustained, and that the said petition for a writ of mandamus be and the same is hereby dismissed and that the said defendant go hence without day and have and recover of the plaintiff his costs in this behalf expended to be taxed.

No. 1416

The Territory of New Mexico,
 vs Appellant,
 Chas A. Stevens, Sheriff of Lincoln County,
 New Mexico Appellee,

Appeal from District Court, Lincoln County,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term and being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope, and Associate Justices McFie, Parker, Abbott and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed and that in accordance therewith, it is considered and adjudged by the court that the demurrer herein be and the same is hereby sustained and that the said petition for a writ of mandamus be and the same hereby is dismissed and that the said defendant go hence without day, and recover from the plaintiff his costs in this behalf expended to be taxed.

No. 1417

The Territory of New Mexico,
 vs Appellant,
 T.W. Watson, Treasurer and Ex-Officio Collector of Lincoln County, New Mexico,
 Appellee?

Appeal from District Court Lincoln County,

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Parker, Abbott and Roberts, concurring, affirming the judgment of the court below, for reasons stated in the opinion of the court on file. It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged that the demurrer herein be and the same hereby is sustained and that the said petition for a writ of mandamus be and the same hereby is dismissed and that the defendant go hence without day and recover from the plaintiff his costs in this behalf expended to be taxed.

No. 1389

The Territory of New Mexico,
 vs Appellee,
 M. W. Mills, et al.,
 Appellants,

Appeal from District Court Santa Fe County.

This cause coming on before the court upon the motion of Julius Staab Esq. attorney for the appellants herein asking the court to correct the entry of judgment heretofore entered for the reason that judgment was rendered against the sureties on the supersedeas bond for the principal and interest when the said bond was only a cost bond and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the judgment and decree of the court heretofore entered herein on the 8th day of December, A.D., 1911 be and the same hereby is set aside and held for

naught. It is further considered and adjudged by the court that the judgment of the district court in and for the county of Santa Fe, whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the Territory of New Mexico, do have and recover of the defendant Melvin W. Mills, the sum of Five Thousand Eight Hundred and Thirty-four 25/100 Dollars (\$5834.26) together with costs in this behalf expended. . .

It is further considered and adjudged by the court that the Territory of New Mexico, do have and recover of the said Melvin W. Mills, as principal and Louis Ilfeld and Geo F. Albright as sureties in the appeal bond its costs in this behalf expended to be taxed for which let execution issued.

No. 1237 The Colorado And Arizona Railroad Company of New Mexico, Appellee, vs The Denver and Rio Grande Railroad Company, Appellant, Appeal from District Court San Juan County.

This cause coming on before the court upon the motion of attorney for appellant for additional findings of fact, and the court being sufficiently advised in the premises hereby adopts the additional findings of fact as the same have been signed by the Chief Justice and filed in this office. It is therefore considered and adjudged by the court that the findings of fact signed by the Chief Justice and duly filed in the office of the Clerk of this County be and the same hereby are adopted by the court as the additional findings of this court in the nature of a special verdict in the above entitled cause.

No. 1425 Geo A. Davisson, Plaintiff Etta Owens, Defendant, Appellee, vs Citizens National Bank of Roswell, N.M., Appellant, Appeal from District Court, Chaves County.

This cause coming on before the court upon the motion of appellants asking the court to fix the amount of the supersedeas herein upon appeal to the United States Supreme Court, and the court being sufficiently advised in the premises, fixes the said Supersedeas Bond at the sum of Twenty-two thousand dollars It is therefore considered and adjudged by the court that the supersedeas Bond herein on appeal to the United States Supreme Court, be and the same hereby is fixed at the sum of twenty two thousand dollars.

No. 1425 George A. Davisson, Plaintiff Etta Owens, Defendant, Appelles, vs Citizens National Bank, Defendant Appellant, Appeal from District Court, Chaves County.

This cause coming on before the court upon the motion of appellants for a statement of fact in the nature of a special verdict on appeal to the United States Supreme Court, and the court being sufficiently advised in the premises, makes the following finding of facts in the nature of a special verdict to wit:

The Court finds the facts in this case to be as follows:

On August 21, 1908 one Etta Owens and one C. O. Berryman entered into a contract of sale and purchase of land in Chaves County, New Mexico, Appellee George Davisson was the agent of Appellee Owens, and would be entitled to a commission for his services if the sale of the land should be finally consummated. This contract of sale was in writing, and the paper on which it was written was folded and placed in an envelope, together with a check executed by Berryman and payable to Mrs Owens for the sum of \$9,173.32. This envelope containing the contract and check, was taken by appellees Owens and Davisson, and Berryman to the Citizens National Bank, to be held by the bank in escrow. The terms of the escrow were endorsed upon the envelope as follows:

"Check enclosed to be held in escrow until September 10, when final settlement is to be made, deed and abstract to be placed in escrow with this Abstract to be forwarded to Citizens Bank and Trust Company, Arkadelphia, Arkansas for examination. No money to be paid over until abstract is approved by purchaser's attorneys."

(Signed, J. J. Jaffa, Cashier.)

No officer of the bank ever read the contract of sale or knew of the terms thereof, but the terms of the escrow were agreed to by all the parties. It was not the intention of the parties that the check for \$9,173.32 was to be an absolute payment of the purchase price of the land, but it was to remain in escrow until September 10, 1908 pending the furnishing of an abstract of title and a favorable report thereon, and the final settlement. The contract itself was never delivered to either of the parties, other than being placed in escrow. The appellee Owens, so far as the bank knew, never performed the agreement contained in the escrow, that is Mrs Owens did not deliver a deed or an abstract of title to the land to the bank or to Berryman by September 10th, and the title of the land was never approved so far as the bank knew.

On September 10, or subsequent thereto, Berryman and Owens made a verbal agreement to extend the time in which to perfect the title to the land, but the bank had no knowledge of this extension of time at the time it was made, and it never had any knowledge of the new parcel contract, other than Owens, by her agent, stated there was such a contract, but Berryman would not and did not give his consent to the bank to vary or extend the terms of the escrow agreement, and would not and did not give his consent that the bank might extend the time for the performance of the various acts mentioned in the escrow agreement by Mrs Owens.

After September 10th, and after time had passed within which Mrs Owens was to have placed an abstract of title and deed in the bank, but was in default, Berryman demanded the return of his check, the equivalent of which was returned to him by the bank. Mrs Owens, then gave an order to Davisson upon the bank for his commission, and both Davisson and Mrs Owens demanded their respective alleged shares of the \$9,173.32 of the bank and this suit was brought by them to recover the respective amounts alleged to be due them from the bank for its alleged wrongful return of the check or its equivalent to Berryman. Berryman was not made a party to the suit.

William H. Pope,

Chief Justice

No. 1384 George W. Bond, et al.,
Appellants,
vs
Unknown Heirs of Juan Barela, deceased et al.
Appellees,
Appeal from District Court, Valencia County.

This cause coming on before the court upon the motion of appellants herein to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States and the court being sufficiently advised in the premises, grants the same. It is therefore considered and adjudged by the court that the appellant do have and hereby is granted an appeal to the Supreme Court of the United States, from the judgment and decree of this court.

No. 1325 Vicenta Montoya, Plaintiff, vs The Unknown Heirs of Francisco Montes Vigil, Deceased et al., Defendants,
Appellants,
vs
Candido G. Gonzales, et al.,
Appellees,
Appeal from District Court Bernalillo County

Upon application of the intervenors, Candido G. Gonzales and Francisco Lucero y Montoya, specifically named in the motion heretofore made, and it appearing to the court that the said intervenors have duly filed their assignment of errors and prayed an appeal, It is hereby ordered that the appeal of said intervenors in this cause to the Supreme Court of the United States, be, and the same hereby is allowed, said appeal being prayed for and allowed at open court at the same term that the final judgment in this cause was rendered.

No. 1325 Vicenta Montoya, Plaintiff, vs Unknown Heirs of Francisco Montes Vigil, deceased, et al.,
Appellants,
vs
Candido G. Gonzales, et al., Intervenor
Appellees,
Appeal from District Court Bernalillo County.

The intervenors, Candido G. Gonzales and Francisco Lucero y Montoya having prayed an appeal to the Supreme Court of the United States and for findings of fact to be filed by this Court and the court being fully advised, adopts the findings of the district court as contained in the record applicable to the said intervenors and the tracts of land as to which the judgment of the lower court was reversed.

It is therefore Ordered that the findings of fact of the District Court stand as the findings of fact of this court herein as aforesaid.

No. 1325 Vicenta Montoya, plaintiff vs Unknown Heirs of Francisco Montes Vigil, deceased, et al.,
Appellants,
vs
Candido G. Gonzales, et al., Intervenor
Appellees
Appeal from District Court Bernalillo County.

Upon application of the appellants in the above entitled cause, and it appearing to the court that the said appellants have duly filed their assignment of errors and prayed an appeal, It is hereby ordered that the appeal of said cause to the Supreme Court of the United States be and the same hereby is allowed, said appeal being prayed for and allowed in open court at the same term that the final judgment in this cause was rendered.

No. 1325 Vicenta Montoya, plaintiff, vs The Unknown heirs of Francisco Montes, Vigil, deceased, et al., Defendants Appellants
vs
Candido G. Gonzales, et al., Intervenor Appeal from District Court Bernalillo County.

The appellants in the above cause having prayed an appeal to the Supreme Court of the United States and for findings of fact, to be filed by this court, the court being fully advised in the premises adopts the findings of the District Court. It is therefore Ordered that the findings of fact of the District Court as the findings of fact of this court.

No. 1325 Vicenta Montoya, plaintiff vs The Unknown heirs of Francisco Montes Vigil, deceased, et al., defendants, Appellants
vs
Candido G. Gonzales, Intervenor, Appellee, Appeal from District Court, Bernalillo County.

The undersigned, presiding Judge of said Court, does hereby certify that it is not practicable to print in the record the map filed in this case, marked Exhibit A1 and referred to in the finding LXXIX of the District Court, and also findings that it is not practicable to print in the record as to be intelligible the genealogy filed in said cause as Exhibit E with referee's report and referred to in finding LXXIX.

It is therefore ordered that the clerk include this certificate in his transcript and that said papers above described be sent to the Clerk of the Supreme Court of the United States by Wells Fargo Express or Registered mail, to be considered in connection with the transcript of the proceedings of said cause on appeal, as provided in sub-division 4 of Rule 8 of the Supreme Court of the United States.

(Signed) William H. Pope, Chief Justice

No. 1237 The Colorado & Arizona Railroad Company of New Mexico, Appellee,
vs
The Denver & Rio Grande Railroad Company Appellant, Appeal from District Court San Juan County.

Now Comes the Hono. F.W. Clancy, Attorney for Appellant, and moves the court here to be granted an appeal from the judgment and decree in the above entitled cause, to the Supreme Court of the United States, and the Court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the appellant herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

It is ordered that the court do now adjourn until tomo afternoon at Two o'clock P. M.

William H. Pope
Chief Justice, etc.

Forty-eighth Day, Saturday, December, 23rd, A.D., 1911

Court met pursuant to adjournment.

Present as upon yesterday,

Record of yesterday's proceedings is read and approved.

No.
1403

John H. McKnight,

Appellee,

vs

El Paso Brick Company, a corporation,

Appellant,

Appeal from District Court Dona Ana County.

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Abbott, Wright and Roberts concurring affirming the judgment of the court below, for reasons stated in the opinions of the court on file, It is therefore considered and adjudged by the court that the judgment of the district Court in and for the county of Dona Ana, whence this court came into this court, be and the same hereby is affirmed, and that in accordance therewith It is considered and adjudged by the court that the plaintiff John H. McKnight, do have and recover the possession of the following described premises, and tracts of land, all situated in Section 9 of Township 29, South of Range 4, East of New Mexico's principal Meridian, in the county of Dona Ana, Territory of New Mexico, to-wit:

"Agnes" Placer Mining claim.

Beginning at the S.W. corner of claim identical with the S.W. corner of lot No. 3 Section 9 Tp. 29, S.R. 4 east-A monument of stones, where notice is posted, whence the S.W. Corner of the original location bears S. 6 deg. West 5.00 chains distant. Thence East on the south boundary of Sec. 9 20.00 chains to the N.E. corner of the S.W. quarter of S.E. quarter of Sec. 9 the S.E. corner of claim monument of stone. Thence north to right bank of Rio Grande a "stake". Thence with meander of Rio Grande north westerly to intersection with the south boundary of N. half of fractional N.W. quarter of N.W. quarter of S.E. quarter of Sec. 9 the N.E. corner of a claim post. Thence westerly along boundary of N. half of S.E. quarter Sec. 9 17.28-100 chains to the west boundary of lot No. 3 Sec. 9 of the N.W. corner of claim, monument of stones; whence the N.W. corner of original claim bears N. 36 degrees; west 8.70 chains distant. Thence south 1.0.00 chains to the place of beginning containing 18 1-2 acres, more or less, being that part of lot No. 3 Sec. 9, corresponding to fractional S. half of the N.W. quarter of S.E. quarter of Section 9 Tp. 29 S.R. 4 east.

The "Tulu" Mining claim described as follows:

Beginning at the north west corner of the N.E. quarter of N.E. quarter of S.W. quarter of Section 9 Tp. 29 S.R. 4 east N.M.P.? a monument of stone. Thence east 18 25-100 chains, to right bank of Rio Grande a post, the N.E. Corner. Thence S.E. ly with meander of Rio Grande to North intersection of dividing line bet. the E. and W. half of the N.W. quarter of the S.E. quarter of Sec. 9 a post. Thence South along said dividing line bet. east and west halves of the N. W. quarter of the S.E. quarter of Sec. 9 to S.E. corner of N.W. of N.W. 4 S.E. quarter of

Sec. 9, the S.E. corner of claim-a monument of stones. Thence west along south boundary of N.W. quarter of NW. of S. E. quarter of Sec. 9 10.00 chs. Thence W. along S. boundary of N.E. quarter N.E. quarter S.W. quarter Sec. 9 10 chs. to S.W. cor. of claim a monument of stones, Thence north along west boundary of N.E. quarter of N.E. quarter of Sec. 9 10.00 chs. to place of beginning. Comprising the N.E. quarter of S.W. quarter and that portion of lot 3 being fractional N.W. quarter of N.W. quarter of S.E. quarter of Sec. 9 Tp. 29 S.R. 4 East, containing 19-20-100 acres more or less. This notice is posted at N.W. corner of claim, whence the S.W. corner of the original location bears S. 40 Deg. E. 60 Lks, distant and NW. corner of original location bears N. 2 Deg. west 10.20 chains distant.

The "Lyngh" Placer Claim described as follows:

Beginning at quarter section corner between sections 9 and 16 Tp 29 SR. 4 east, the south west corner of claim, a monument of stones. Thence north 20.00 chs. to N.W. cor. identical with N.W. cor of lot No. 4, monument of stones. Thence east on north boundary of lot No. 4-10.00 chs. to N.E. cor monument of stones. Thence south 20.00 chs. to line bet. sections 9 and 16 the south east corner, a monument of stones where this notice is posted. Thence west along Sections line 10.00 chs. to southwest corner, the place of beginning, being that portion of lot No. 4 corresponding to W. half of the S.W. quarter of S.E. quarter of Section 9 Tp. 29 S.R. 4 east. containing 20 acres.

The "Tip Top" Mining claim, described as follows:

Beginning at a monument of stone the S.E. corner of claim identical with the N.E. cor. of N.W. Half of N.E. quarter of Section 16 Tp. 29 S.R. 4 east. Thence North 20.00 chains to the N.E. corner, a monument of stone.- identical with the N.E. corner of that portion of lot No. 4 corresponding to the S.W. quarter of S.E. quarter of Sec. 9, Thence West 10.00 chains to the N.W. corner of claim, a monument of stone. Thence South 20.00 chs. to the S.W. corner of claim, - a monument of stone, where this notice is posted. Thence East along Section lines between 9 and 16-10.00 chains to place of beginning, containing 20 acres being that portion of lot No. 4 Sec. 9 Tp. 29 S. Range 4 East corresponding to East Half of S.W. quarter of Sec 9 Tp. S. Range 4 East.

The "Aurora" Mining Claim, described as follows:

Beginning at the N.E. Corner of the N.W. quarter of the N.E. quarter of Sec. 16 Tp 29 south S. 4 East, being the S.W. corner of claim, monument of stones, where this notice is posted. Thence north 20.00 chs. to north boundary of lot No. 4 Sec. 9 of the N.W. corner of claim monument of stone. Thence East 15.00 chs. to right bank of Rio Grande, North East corner of claim a post. Thence Southerly with meander of right bank of Rio Grande along east boundary of lot No. 4 Sec. 9 to meander corner on right bank of Rio Grande bet. Sections 9 and 16 the South East corner a post. Thence west along Sections line 11.25.100 chs. to the S.W. corner place of beginning. Containing 19 60-100 acres, being that portion of lot No. 4 corresponding to the S.W. quarter of S.E. quarter of Sec. 9 tp. 29 S.R. 4 East and the Rio Grande

No. 1409 Territory of New Mexico, on the relation of)
George S. Klock, Appellee,)
vs)
Edward A. Mann,) Appeal from District Court Bernalillo County.
Appellant,)

This cause having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises, announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices McFie and Roberts concurring, Associate Justices Mechem and Parker dissenting affirming the judgment of the court below, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of Bernalillo; whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith it is considered, and adjudged by the court that the demurrer of said plaintiff to said amended answer, as amended, be and the same hereby is sustained, and that the demurrer of respondent to the said reply of plaintiff be and the same hereby is overruled, and that the said Edward A. Mann, be and he hereby is ousted and excluded from the office of district attorney of the sixth district attorney's district of the Territory of New Mexico and from exercising any of the duties and functions thereof and from enjoying any of the privileges, emoluments and franchises thereunto appertaining and that he pay the costs of this proceeding, to be taxed, and that execution may issue therefor.

No. 1437 The Community Ditches or Acequias of Tularosa)
sa Townsite, a corporation, Appellant,)
vs) Appeal from District Court Lincoln County.
The Tularosa Community Ditch, W.D. Tipton, E.)
Knight, J.J. Dale and E.H. Simons, Appellees)

This cause having been argued by counsel and submitted to and taken under advisement by the court, on a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Abbott, Associate Justices McFie and Mechem concurring and Associate Justices Parker and Roberts concurring in the result, affirming the judgment of the court below, for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the district court in and for the county of Lincoln whence this cause came into this court, be and the same hereby is affirmed, and that in accordance therewith, It is considered and adjudged by the court that the complaint in said cause be and the same hereby is dismissed without prejudice to any one and that the said defendant go hence and they do have and recover their costs in this behalf expended to be taxed and that they have execution therefor.

The Board of Bar Examiners made the following report to wit:

"In the Supreme Court of the Territory of New Mexico,
January Term, A.D., 1911

To the Honorable Chief Justice

And Associate Justices of the Territory of New Mexico:

The Board of Bar examiners of the Territory of New Mexico, respectfully beg to submit the following recommendations:-

That the examination of applicants for admission to the bar of the Territory be postponed one month from the 1st day of the January 1912, term of your honorable court.

That all temporary licenses issued and which would otherwise expire by limitation on the 1st day of the said January, 1912, term, be continued in effect until the date to which the said examinations are postponed.

Respectfully submitted,

William J. Lucas,

President.

It is ordered by the court that the following allowances be and the same hereby are made.

W.J. Lucas, Mileage and per-diem	\$25.40
Julius Staab Mileage and per diem	25.80
C.O. Catron, per diem	10.00
Jose D. Sena, 13 applications filed	65.00
Mrs H. C. McFitt, typewriting	11.00

No. 1403	John H. McKnight,	)	Appel from District Court Dona Ana County.
	Appellee,		
	vs		
	El Paso Brick Company, a corporation		
	Appellant,	)	

Now comes Jno Franklin Esq. attorney for appellant herein and moves the court to fix the amount of supersedeas bond herein on appeal to the Supreme Court of the United States and the court being sufficiently advised in the premises, grants the motion and fixes the bond at the sum of \$15,000. It is therefore considered and adjudged by the court that the supersedeas bond herein on appeal to the United States Supreme Court be and the same hereby is fixed at the sum of \$15,000 to be approved by one of the Judges of this court.

It is ordered that the court do now adjourn until Friday, Dec. 29th 1911 at two o'clock P.M.

William J. Lucas

Forty-ninth *Day,* Friday, December 29th .

A. D.

1911

Forty-ninth Day, Friday December 29th, A.D., 1911

Court met pursuant to adjournment.

Present Honorable John R. McFie, Associate Justice

Honorable Herriott C. Meehan, Associate Justice

Jose D. Serrano, Clerk.

There being no quorum present it is ordered that the court do now adjourn until the second day of January A. D., 1912

William H. Poffe
Chief Justice

Fiftieth Day, Tuesday, January 2nd, A.D., 1912

Court met pursuant to adjournment.

Present, Honorable William H. Pope, Chief Justice

Honorable John R. McFie, Associate Justice

Honorable Ira A. Abbott, Associate Justice

Honorable Merritt C. Tschew, Associate Justice

Honorable Edward P. Wright, Associate Justice

Honorable Clarence J. Roberts, Associate Justice

Frank W. Chance, Esq. Attorney General

C. M. Foraker, by W. Smith, Esq. Deputy United States Marshal

Jose D. Sena, Clerk.

Minutes of Saturday December 23rd and Friday December 29th were read and approved.

No. 1403 John H. McKnight,)
Appellee,)
vs) Appeal from District Court Dona Ana County.
El Paso Brick Company, a corporation)
Appellant,)

This cause coming on before the court upon the motion for rehearing herein and the court having had the said motion under advisement denies the same. It is therefore considered and adjudged by the court that the motion of appellant herein for a rehearing be and the same hereby is denied.

No. 1403 John H. McKnight,)
Appellee,)
vs) Appeal from District Court Dona Ana County.
El Paso Brick Company, a corporation)
Appellant)

This cause coming on before the court upon the motion of appellant for a statement of facts herein in the nature of a special verdict, and the court having had said motion under advisement and being sufficiently advised grants the said motion and makes the findings of fact of this court the findings of fact signed by the Chief Justice and filed in the office of the Clerk of this Court. It is therefore considered and adjudged by the court that the motion for a statement of facts herein in the nature of a special verdict on appeal to the supreme Court of the United States as the same have been signed by the Chief Justice of this court and duly filed in the office of the Clerk of this Court be and the same hereby are made the statement of facts of this court in the nature of a special verdict.

No. 1403 John H. McKnight,)
Appellee,)
vs) Appeal from District Court Dona Ana County.
El Paso Brick Company, a corporation)
Appellant,)

And now, on this day came the Appellant, El Paso Brick Company, by its Attorneys of record, Hawkins and Franklin, and prayed an appeal from the judgment and decision of this

court, in this cause, to the Supreme Court of the United States, and move the court to fix the amount of the supersedeas bond upon such appeal.. All parties being before the court and after considering said prayer and motion, the court doth sustain the same.

It is, therefore, considered, ordered and adjudged by the court that the Appellant, El Paso Brick Company, be, and it is hereby granted an appeal from the judgment and decision of this court to the Supreme Court of the United States.

It is further ordered, adjudged and decreed by the court that the amount of the supersedeas Bond in this cause be fixed at the sum of Fifteen Thousand (\$15,000.00) Dollars.

No.	Territory of New Mexico,	)	
1358	vs	)	
	Malcon Trapo,	)	Appeal from District Court Lincoln County.
	Appellant,	)	

Now comes the appellant herein by his attorney of record, and moves the court to be allowed a writ of error to the United States Circuit Court of Appeals for the eighth Circuit and the court being sufficiently advised in the premises grants the said Motion. It is therefore considered and adjudged by the court that the appellant be and he hereby is allowed a writ of error to the Circuit Court of Appeals for the eighth Circuit. and the supersedeas bond fixed in the same amount as the supersedeas bond given in this court.

No.	Territory of New Mexico,	)	
1400	vs	)	
	Jim Walker,	)	Appeal from District Court Roosevelt County.
	Appellant,	)	

This cause coming on upon the motion of attorney for appellant to be allowed a writ of error to the United States Circuit Court of Appeals for the Eighth Circuit and the Court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the appellant do have and hereby is allowed an appeal to the United States Circuit Court of appeals for the eighth Circuit and that supersedeas bond fixed in the same amount as now filed in this court.

No.	Territory of New Mexico	)	
1389	vs	)	
	Melvin W. Mills,	)	Appeal from District Court Santa Fe County.
	Appellant,	)	

This cause coming on upon the motion of appellant for a finding of fact and to tax costs herein and the court having had the said motion under advisement and being sufficiently advised in the premises denies the same. It is therefore considered and adjudged by the court that the motion for findings of fact and to tax costs be and the same hereby is denied.

No.	Territory of New Mexico	)	
1389	vs	)	
	Melvin W. Mills,	)	Appeal from District Court Santa Fe County.
	Appellant,	)	

This cause coming on to be heard on the motion of Appellant Melvin W. Mills, in open court,

that the said appellant, Melvin W. Mills, be granted an appeal and the same is hereby granted from the final judgment rendered in the Supreme Court of the Territory of New Mexico, to the Supreme Court of the United States in the case wherein the Territory of New Mexico is plaintiff and appellee, and Melvin W. Mills, is defendant and appellant, being cause No. 1339 in this court, and that this order be spread upon the records of the court,

(Signed)

William H. Pope,

Chief Justice

No. 1342 Ex Parte George E. Priest, et al.,
Appellants,
vs
Board of Trustees of the Town of
Las Vegas, (respondents 'Appellees')
Appeal from District Court San Miguel County.

This cause coming on before the court upon the motion of appellant herein for a rehearing and the court being sufficiently advised in the premises, denies the said motion. It is therefore considered and adjudged by the court that the motion of appellant for a rehearing herein be and the same hereby is denied.

Nos. 1376-8 Caledonian Coal Company
Appellant and Cross Appellee,
vs
Rocky Cliff Coal Mining Company,
Appellee & Cross Appellant,
Appeal from District Court McKinley County.

This cause again coming on before the court upon rehearing and the same having been re-argued by counsel and re-submitted to the court upon a former day of the present term and the court having had the said causes under advisement and being now sufficiently advised in the premises announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices Mechem, Wright Parker and Roberts, concurring, modifying the opinion heretofore handed down and affirming the judgment of the court below for reasons stated in the opinion of the court on file: It is therefore considered and adjudged by the court that the judgment of the District Court in and for the county of McKinley, whence this cause came into this court be and the same hereby is affirmed and that in accordance therewith, It is therefore considered and adjudged by the court that the plaintiff Caledonian Coal Company do have and recover from the defendant Rocky Cliff Coal Mining Company, and Stephen Caravan, as principals and Peter Kitchen and A. F. Ries, sureties on the supersedeas Bond herein, the sum of \$4678.21 together with interest thereon from the 20th day of September A.D., 1910 at the rate of six per cent and costs in this behalf expended to be taxed for which let execution issue. It is ordered by the court that an allowance of \$180 be and the same hereby is made to Harry P. Owen for services as examiner in this cause, which amount is to be taxed as part of the costs herein.

No. 1542
3

Ex Parte George E. Priest et al.,
Appellant,
vs
Board of Trusts of the Town of Las Vegas,
Appellee.

)
)
)
)
)
)

Appeal from District Court San Miguel County.

This cause coming upon the motion of attorney for appellant asking the court here to fix the amount of the appeal bond herein and the court being sufficiently advised in the premises fixes the same at the sum of One Thousand Dollars conditioned as prescribed by law. It is therefore considered and adjudged by the court that the appeal bond herein on appeal to the Supreme court of the United States be and the same hereby is fixed at the sum of One Thousand dollars conditioned as prescribed by law and to be approved by one of the judges of this court.

No. Territory of New Mexico,
1456 + James M. Kennedy, vs
Appellee,
Appellant,

)
)
) Appeal From District Court Grant County.
)
)

Now comes Frank W. Clancy, Attorney General for Appellee, and moves the court here to docket the above entitled cause and to affirm the judgment of the court below, for the reason that the appellant has failed to perfect his said appeal in the time proscribed by law. It is therefore considered and adjudged by the court that the cause be and the same hereby is ordered docketed and that the judgment of the District Court in and for the County of Grant whence this cause came into this court be and the same hereby is affirmed. and that in accordance therewith it is considered and adjudged by the court and it is the judgment and sentence of the Court that the said appellant, James M. Kennedy, be remanded to the custody of the Sheriff of Grant County, New Mexico, to be by him safely kept in the common jail of said County until Friday the second day of February, A. D., 1912, and that on said day between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said day, in an enclosure to be erected by said Sheriff on the Court House grounds in the town of Silver City, the county seat of said Grant County and Territory of New Mexico, he the said James M. Kennedy, be taken and there by the said Sheriff hanged by the neck until he is dead.

Territory of New Mexico,
 No. Appellee,
 1457 vs Appeal from District Court Grant County.
 Jas Tudor, Appellant,

Now comes the Attorney General for the Territory and moves the court to docket ~~the~~ above entitled cause and affirm the judgment of the court below, for the reason that the appellant has failed to perfect his said appeal within the time prescribed by law, and the court being sufficiently advised in the premises, grants the said motion. It is therefore considered and adjudged by the court that the above entitled cause be and the same hereby is ordered docketed and the judgment of the District Court in and for the county of Grant whence this cause came in to this court be and the same here by is affirmed and that in accordance therewith, It is considered and adjudged by the court that the said appellant Jesse Tudor, be remanded to the custody of the sheriff of Grant County, New Mexico, to be by him safely kept until such time as

he can conveniently convey him the said Jesse Tudor to the City of Santa Fe in the Territory of New Mexico, and that he the said Sheriff then and there deliver him the said Jesse Tudor to the Superintendent of the Territorial Penitentiary or his duly authorized agent and that he the said Jesse Tudor be therein confined at hard labor for not less than two nor more than three years from and after this date.

And it is further ordered by the court that the said appellant Jesse Tudor, do make unto the Territor of New Mexico, a fine in the sum of Five Hundred Dollars, that he pay all the costs of his prosecution to be taxed and that he stand committed until such fine and costs are fully paid.

Territory Es Rel, Geo S. Klock,)
 Appellant,)
 No. 1365 vs) Appeal from District Court Bernalillo County.
 * Edward A. Mann,)
 Appellee,)

Now comes the appellee in the above entitled cause by his attorney of record, and moves the court to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises grants the said Motion. It is therefore considered and adjudged by the court that the appellee here in do have a appeal from the judgment and decree of this court to the Supreme Court of the United States.

Territory ex Rel George S. Klock)
Appellee,)
No. 1409 vs) Appeal from District Court Bernalillo County
Edward A. Mann,)
Appellant,)

Now comes the appellant herein by his attorney of record and moves the court to be allowed an appeal from the judgment and decree of this court to the Supreme Court of the United States and the court being sufficiently advised in the premises grants the same. It is therefore considered and adjudged by the court that the appellant do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Vicenta Montoya, Plaintiff vs Unknown)
 * Heirs of Francisca Montes Vigil deceased)
 Appellants)
 No. 1325 vs)
 Candido G. Gonzales, et al.,)
 Appellees.)
 Appeal From District Court Bernalillo County.

Now comes the attorney for appellees herein and moves the court for permission to withdraw their appeal herein and the court being sufficiently advised in the premises grants the said motion. It is therefore considered and adjudged by the court that the motion for an appeal heretofore filed herein by appellant be and the same hereby are allowed to be withdrawn from the files and the order heretofore entered granting the said appellees an appeal to the Supreme Court of the United States is hereby set aside and held for as it.

Fiftieth

Day,

Tuesday, January 2nd

A. D.

1912

It is ordered by the court that all causes motions statement of facts and other matters pending before the court and yet undisposed during the present term, be and the same hereby are continued until the next regular term of this court.

It is ordered that the court do now adjourn sine die.

Melvin H. Pope
Chief Justice

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe the seat of government, on the First Wednesday after the First Monday in January 1912, the same being Wednesday January 3rd, A. D., 1912

Present Honorable William H. Pope, Chief Justice

Honorable John R. Mowle, Associate Justice

Honorable Ira A. Abbott, Associate Justice

Honorable Merritt C. Wachen, Associate Justice

Honorable Edward R. Wright, Associate Justice

Honorable Clarence J. Roberts, Associate Justice

David J. Leahy, United States District Attorney

Frank W. Clancy, Attorney General for New Mexico

C. M. Forester by W. H. Smith, Deputy, United States Marshal

Jose D. Sena, Clerk.

Ex parte Geo E. Priest, et al.

Appellants

vs

The Board of Trustees of the Town of Las Vegas,

Appellee,

Appeal from District Court San Miguel County

This cause coming on before the court upon the motion of John D. W. Veeder, Esq. attorney for appellant for a statement of facts herein in the nature of a special verdict and the court having had the same under consideration now files with the Clerk of this Court duly signed by the Chief Justice of this Court its Statement of Facts in the nature of a special verdict. It is therefore considered and adjudged by the court that the Statement of Facts as has been duly filed in the office of the Clerk of the Supreme Court, and duly signed by the Chief Justice be and the same hereby are found and made as the findings of this court in the above entitled cause in the nature of a special verdict.

Ex Parte George A. Priest et al.,

Appellant,

vs

The Board of Trustees of the Town of Las Vegas,

Appellee,

Appeal from District Court San Miguel County.

Now comes John D. W. Veeder attorney of record for the appellant herein and moves the court to be granted an appeal from the judgment and decree of this court to the Supreme Court of the United States and the court being sufficiently advised in the premises it is considered and adjudged by the court that the appellants herein do have an appeal from the judgment and decree of this court to the Supreme Court of the United States.

George W. Stonerod, et al.,

Appellees,

vs

William P. Beck, et al.,

Appellees,

Appeal from District Court San Miguel County.

This cause having been argued by counsel, submitted to and taken under advisement by the Court upon a former day of the present term, and the court being now sufficiently advised

In the premises, announces its decision by Associate Justice Mechem, Chief Justice Pope and Associate Justices McFie, Abbott and Parker reversing the judgment of the court below and remanding this cause to the court below for further proceedings, for reasons stated in the opinion of the court on file; It is therefore considered and adjudged by the court that the judgment of the district Court in and for the County of San Miguel, whence this cause came into this court be and the same hereby is reversed, and that this cause be and the same hereby is remanded to the said district court for further proceedings: It is further considered and adjudged by the court that the appellant do have and recover of the appellee their costs in this behalf expended to be taxed for which let execution issue.

Whereas, Jose D. Sena, Clerk of the United States Supreme Court of the Territory of New Mexico, has tendered to this court an account for his official services from the 1st day of September to the 31st day of December inclusive, with items and vouchers thereof in the presence of David J. Leahy, United States District Attorney, for New Mexico, and has by his oath attached to the account proved to the satisfaction of the court that the services therein charged have been actually and necessarily performed, as therein stated; and

Whereas, said charges appear to be just and according to law.

IT IS HEREBY ORDERED, that the said account amounting to One Hundred and sixty one (\$161.00) Dollars, be and the same hereby is approved, It is hereby certified that upon each day for which per diem is charged in this account the court was opened for business and the judges present and presiding except on the following named days viz (none) on which the Supreme Court was opened and adjourned by the Clerk as provided by Section 584 R.S.U.S. and except on the following named days, viz (none) on which the Supreme Court was adjourned upon a written order of the Chief Justice as provided by Section 584 and 585 R.S.U.S. copies of which orders are hereto attached.

It is ordered that the court do now adjourn until tomorrow morning at ten o'clock A. M.

William H. Pope,

Chief Justice etc.

Second Day, Thursday, January 4th, A. D., 1912.

Court met pursuant to adjournment.

Present as upon yesterday

Record of yesterday's proceedings is read and approved.

No. 1388,	Tina Haffner Retch,	}	Appeal from District Court Santa Fe County.
	vs		
	Alois B. Renshan		
	Appellant,		
	Appellee,		

This cause coming on before the court upon the motion of appellant to remand this cause to the court below, for further proceedings and the court being sufficiently advised in the premises denies said motion. It is therefore considered and adjudged by the court that the motion of appellant to remand be and the same hereby is denied.

No. 1418	Peter Ross, Jr,	}	Appeal from District Court Colfax County.
	vs		
	Patrick Berry Jr. Admr.		
	Appellant,		
	Appellees,		

This cause coming on before the court upon the motion of Appellant for a diminution of the record, and the motion of appellant to strike out the bill of exceptions and dismiss the appeal herein, and the same having been argued by counsel, submitted to and taken under advisement by the court upon a former day of the present term, and the court being now sufficiently advised in the premises announces its decision by Associate Justice Wright, Chief Justice Pope and Associate Justices Morie and Abbott concurring, denying the motion to dismiss the appeal herein, and sustaining the motion to strike out the bill of exceptions and granting the motion of appellant for diminution in so far as said motion may be construed for the purpose of having the findings of fact and conclusions of law, together with the exceptions thereto, made a part of the record. for reasons stated in the opinion of the court on file.

It is therefore considered and adjudged by the court that the motion of appellee herein to dismiss this appeal be and the same hereby is overruled.

It is further considered and adjudged by the court that the motion of appellee to strike out the bill of exceptions be and the same hereby is granted and that in accordance therewith It is considered and adjudged by the court that the bill of exceptions in the above entitled cause be and the same hereby is stricken from the files of this cause.

It is further ordered and adjudged by the court that the motion of appellant in so far as said motion may be construed as a motion in diminution of the record for the purpose of having the findings of fact and conclusions of law, together with the exceptions thereto, made a part of the record proper, be and the same hereby is granted and that it is further ordered and adjudged by the court that the appellants motion in so far as it seeks at this time, to settle the transcript of evidence and bill of exceptions by adding thereto the certificate of the trial judge, be and the same hereby is overruled.

No.
1368.

Tina Hafner Retsch,

Appellee,

vs

Albis B. Renahan,

Appellant,

Appeal from District Court Santa Fe County.

This cause again coming on before the court upon the motion of appellant asking the court to make statement of facts in the nature of a special verdict on appeal to the United States Supreme Court, and praying an appeal from the judgment and decree of this Court to the Supreme Court of the United States, and asking the court to fix the amount of the supersedeas Bond, and the court having had said motions under advisement and being sufficiently advised, in the premises,

It is therefore considered and adjudged by the court that the findings of fact made by the court below, in the above entitled cause, be and the same hereby are adopted by this court as its findings of fact in the nature of a special verdict on appeal to the Supreme Court of the United States.

It is further considered and adjudged by the court that the supersedeas bond in the above entitled cause on appeal to the United States Supreme Court be and the same hereby is fixed at the sum of Twenty-five Hundred Dollars (\$2500) conditioned as provided by law and to be approved by one of the judges of this court.

It is further considered and adjudged by the court that the appellant do have and hereby is granted an appeal from the judgment and decree of this court to the Supreme Court of the United States.

Nos
1376-8

Caledonian Coal Company,

Appellee,

vs

Rocky Cliff Coal Mining Company et al.,

Appellants,

Appeal from District Court McKinley County.

This cause coming on before the court upon the motion of appellants herein for a rehearing and the court being sufficiently advised in the premises denies said motion. It is therefore considered and adjudged by the court that the motion of appellants herein for a rehearing be and the same hereby is denied.

No.
1378

Caledonian Coal Company

Appellee,

vs

Rocky Cliff Mining Company, et al.,

Appellants,

Appeal from District Court McKinley County.

This cause coming on before the court upon the motion of appellants herein asking the court to make statement of facts in the nature of a special verdict on appeal to the Supreme Court of the United States, and to fix the amount of the supersedeas Bond and to be granted an appeal to the Supreme Court of the United States, from the judgment and decree of this court, and the court being sufficiently advised in the premises, grants the said motion.

It is therefore considered and adjudged by the court that the findings of fact in the above entitled cause as made by the Court below, are hereby adopted and made the findings of fact of this court in the nature of a special verdict on appeal to the Supreme Court of the United States as modified and filed in this court duly signed by the Chief Justice and now on file in the office of the Clerk of this court.

It is further considered and adjudged by the court that the supersedeas bond be and the same hereby is fixed at the sum of Eleven thousand Dollars conditioned as provided by law and to be approved by one of the judges of this court.

It is further considered and adjudged by the court that the appellant do have and it hereby is granted an appeal from the judgment and decree of this court to the Supreme Court of the United States

Geo W. Stoneroad, et al.,)
Appellees,)
No. 1258 vs) Appeal from District Court San Miguel County.
Wm. P. Beck, et al., et al.,)
Appellants,)

This cause coming on before the court upon the motion of appellees for a rehearing herein and the court having consented to an oral argument, It is argued by Charles A. Spies Esq. for appellants and A. A. Jones, Esq. for appellees and submitted to the court and the court not being sufficiently advised in the premises takes the same under advisement.

Geo W. Stoneroad, et al.,
Appellees,
vs
Wm. P. Beck? et al.,
Appellants,

No. 1288

Appeal from District Court San Miguel County

This cause having been argued by counsel, and submitted to and taken under advisement by the court upon the motion of appellee herein for a rehearing, and the court being now sufficiently advised in the premises, announces its decision Per Curiam, adhering to its former opinion heretofore filed herein, but modifying the judgment heretofore entered herein and entering a final judgment in this court, for reasons stated in the opinion of the Court on file ; It is therefore ordered and adjudged by the court that the said judgment of said district court in this cause be and the same hereby is modified to the extent that the court doth find that ~~the~~ intervenor, The St Louis Lard & Cattle Co., is possessed in fee simple of, and is entitled to the possession of an undivided one-half interest of the lands and premises within the conflict between the said Preston Beck Grant and the Perea Grant, and that the other undivided one-half of said lands in conflict belongs to and is the property in fee simple of the owners of said Preston Beck Grant and that said Receiver is entitled to the possession thereof.

Now therefore, It is considered and adjudged that the Intervener the St Louis Land & Cattle Company do have and recover of and from the said Andreus A. Jones, Receiver of the Beck Grant, the possession of the undivided one-half of all that portion of the said Pres-toh Beck Grant which is in conflict with and overlaps the boundaries of the Perea Grant, according to the official field notes and surveys of said grants on file in the office of the Surveyor General of New Mexico, And it is further

Considered and Adjudged that the said Andrius A. Jones, do have and recover of and from the said intervenor the St Louis Land & Cattle Company, the possession of the undivided one half of any part or portion of the lands within said conflict or overlap of which the said

intervenor the St Louis Land & Cattle Company or its agents, servants, lessees or employees may not be in possession, and it is further ordered and adjudged by the court that the appellant herein do have and recover of and from said Andrius A. Jones, Receiver its costs in this behalf expended to be taxed. for which let execution issue.

Geo W. Stoneroad, et al.,
No. 1288 vs Wm . P. Beck, et al.,
Appellees, vs Appellants,
Appeal from District Court San Miguel County.

This cause again coming on before the court upon the motion of appellee herein for a statement of facts by this court in the nature of a special verdict, and asking the court to fix the amount of a supersedeas Bond herein and for an appeal from the judgment and decree of this court to the Supreme Court of the United States, and the court being sufficiently advised in the premises, grants the said motion:

It is therefore considered and adjudged by the court that the statement of facts heretofore filed in this cause and duly signed by the Chief Justice and now on file in the office of the clerk of this court ~~has~~ and the same hereby are made the statement of facts of this court in the above entitled cause in the nature of a special verdict on appeal to the Supreme Court of the United States.

It is further considered and adjudged by the court that the Supersedeas Bond herein be and the same hereby is fixed at the sum of Two thousand dollars, to be conditioned as provided by law, and approved by one of the judges of this court.

It is further considered and adjudged by the court that the appellees herein do have and hereby is granted an appeal from the judgment and decree of this court to the Supreme Court of the United States.

It is ordered that the court do now adjourn until January the tenth A. D., 1912 at ten o'clock

A. M.

William H. Wofford

Chief Justice.

Third Day, Wednesday, January, 10th, A. D., 1912

Court met pursuant to adjournment.

Present Honorable John R. McFie, Associate Justice
Honorable Frank W. Parker, Associate Justice
Honorable Edward R. Wright, Associate Justice
Honorable Clarence J. Roberts.

Minutes of Thursday, January 4th were read and approved.

Associate Justice John R. McFie, after making some appropriate remarks administered the oath of office to the newly elected Justices of the Supreme Court of the State of New Mexico, Honorables Clarence J. Roberts, Richard H. Hanna, and Frank W. Parker.

It is ordered that the court do now adjourn sine die.

John R. McFie
Associate Justice Presiding